Robt. Whitehead — 32 — James — Watkins —
John Stokes — 54 — David Rose —
Will. Thuker — 59 —
Josh. Careless — 72 — [4 — found Guilty —
The Pigs — 80 —

Francis Field 5. Cut off from the top
Green — Fisher — and Clifton P. 38

TRIALS

OF THE

BIRMINGHAM RIOTERS.

3

1791

WARWICK,

SATURDAY, AUGUST 20.

THIS evening, at eight o'clock, *Sir Richard Perryn* and *Sir Beaumont Hotham*, Barons of his Majesty's Court of Exchequer, arrived here from Coventry, to hold the assizes. They immediately repaired to the Court, and the commission being read, they adjourned the business till Monday morning at nine o'clock.

MONDAY, AUGUST 22.

This morning at eleven o'clock, *Sir Richard Perryn* sat on the Crown side.

Names of the Gentlemen who composed the Grand Jury:

SIR JOHN MORDAUNT, Bart. Foreman.

Sir Robert Lawley	William Bradshaw, Esq.
John Stanton, Esq.	Edward Shirley, Esq.
G. Gregory Wade, Esq.	Joshua Green, Esq.
Peter Alex. Miller, Esq.	John Hallifax, Esq.
Henry Clay, Esq.	Henry Groswell, Esq.
J. W. Knightly, Esq.	William Powell, Esq.
A. Bracebridge, Esq.	C. Porter Packwood, Esq.
Thomas Gill, Esq.	W. Holditch, Esq.
William Little, Esq.	Richard Hill, Esq.

This very reſpectable Grand Jury being ſworn in, the learned Judge delivered to them the following charge:

Gentlemen of the Grand Jury,

You are now met for the important duty of inquiring into the various offences that have been lately committed within the body of this county. His Majeſty has been pleaſed to honour me with his inſtructions for the general gaol delivery, and to hear and determine all ſuch offences as you, from the evidence laid before you, ſhall think ſufficiently founded to bring their trial before a common jury of the country.

Gentlemen, in the calendar of the priſoners now in cuſtody in the gaol of this county, and whoſe charges are brought before you, are the names of many perſons charged with the late tumultuous riots, in open defiance of all law, and by which the places of public worſhip, and the habitations and effects of a denomination of his Majeſty's ſubjects who have long legally enjoyed toleration, have been pulled down and deſtroyed, to the great terror and injury of the individual ſufferers,—to the alarm not only of this and the neighbouring counties, but of the whole kingdom. In the performance of that office which the conſtitution of this country has placed in your hands, it is my duty to recommend to your particular attention charges of this nature. And I ſhall endeavour to ſtate to you, as I think it my duty, what the law is on this ſubject.

Inſurrections for real or imaginary grievances, of a public and general nature, and pulling down meeting-houſes, encloſures, or ſuch like, and to effect this purpoſe by force and numbers, are, by conſtruction of law, conſidered high treaſon. Aſſemblies or multitudes, met from whatever purpoſe, though not of that general nature, and conſequent-

ly

ly not extending to high treaſon, are yet of the moſt dangerous tendency, and generally followed with the moſt miſchievous conſequences. Our hiſtory, as you all know, furniſhes inſtances where the perſon of the king, and the conſtitution of the kingdom, have been thrown into the utmoſt hazard by inſurrections of this nature. If ſuch inſurrections are not prevented or immediately ſuppreſſed, anarchy and confuſion muſt follow; and the happieſt conſtitution in the world, the beſt that a favoured nation was ever bleſſed with, be in danger of being deſtroyed. In order, Gentlemen, to prevent theſe miſchiefs, an act paſſed in the firſt year of George the Firſt, commonly called the Riot Act, which, among other things, enacts, 'that if twelve perſons, or more, are unlawfully aſſembled to the diſturbance of the peace, and any one Juſtice of the Peace, Sheriff, Under-ſheriff, or Mayor of a town, ſhall think proper to command them by proclamation to diſperſe, if they contemn his orders, and continue together for one hour afterwards, ſuch contempt ſhall be felony without benefit of clergy.' By a ſubſequent clauſe of this act, 'it is provided, that if any perſons ſo riotouſly aſſembled, begin even before proclamation to pull down any church, chapel, meeting-houſe, dwelling-houſe, or out-houſe, they ſhall be felons without benefit of clergy.'

Gentlemen, I conceive it is upon this laſt clauſe that you will find the bills againſt the priſoners who ſtand charged with this offence.

The wiſdom of the legiſlature has enjoined that tumultuous riſings of this nature ſhould be immediately ſuppreſſed. Every perſon in this kingdom is entitled to the benefit of the law. Every perſon in the kingdom is obliged to obey, or ſuffer the penalties of the law. It is your duty to inquire, and true preſentment make of the breaches of this ſtatute,

that the law may be carried into execution for the ſafety of his Majeſty's ſubjects. Whatever were the motives to theſe breaches, they cannot be juſtified. And it is much to be wondered at, that when the moſt ſevere laws againſt the Roman Catholics, which ſo long diſgraced our ſtatute book, have been repealed,—when every reaſonable indulgence was given to tender conſciences, which was conſiſtent with the ſafety of the ſtate, and when all intolerance ſeemed to be done away; I ſay, Gentlemen, it muſt be matter of great ſurprize to every man who thinks ſeriouſly, that ſuch a ſeaſon ſhould be choſen for this violence and diſturbance; at a time too when the bleſſings of his Majeſty's reign are equally extended to all his ſubjects, without diſtinction or reſpect of perſons, and whoſe view has ever been to unite the hearts of all his ſubjects, and to render them as well affected to each other as they ought to be to ſuch a ſovereign. You are the conſtitutional guardians of the public ſafety, and I am happy that a truſt of ſuch importance is committed to gentlemen of your rank and underſtanding.

There is nothing excluſive of this offence which I have pointed out but appears in the calendar of every aſſizes. There is no occaſion, therefore, why I ſhould ſubmit any thing farther to your conſideration. If in the courſe of your enquiries you may meet with any difficulty, the Court will be ready to lend you its aſſiſtance. I ſhall not, therefore, detain you longer from the diſcharge of your public duty, having the fulleſt confidence that the great truſt repoſed in you by the conſtitution will be ably diſcharged, to your own honour, and in a manner that will contribute to the peace and quiet of the kingdom.

The Grand Jury after this immediately repaired to their chamber, and found ſome bills for ſimple

felonies, during which time the Judge remained in Court, and after the bills were found he immediately proceeded to the trials.

TUESDAY, AUGUST 23.

The Judge entered the Court precisely at nine o'clock, and proceeded to try the rioters.

Names of the Gentlemen of the Petit Jury.

James Aspignal,
Benjamin Sutton,
John Merry,
John Wingfield,
Henry Parker,
John Clark,
William Ladbrobe,
John Cox,
Ezial Steel,
Richard Cole,
William Cave, Jun.
Benjamin Dadley.

Counsel for the Prosecution.

Mr. Newnham,
Mr. Coke,
Mr. Balgy,
Mr. Sutton,
Mr. Perceval.

Counsel for the Prisoners.

Mr. Clarke,
Mr. Willes.

The KING *v.* FIELD, *for Arson.*

Francis Field, alias *Rodney*, late of the parish of Aston, near Birmingham, in the county of Warwick, labourer, was indicted; and the indictment charged that he, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 15th of July last, at the parish aforesaid, unlawfully, wilfully, maliciously, and feloniously, did set fire to and burn the dwelling-house of John Taylor, Esq. there situated, against the peace of our said Lord the King, his crown and dignity, &c.

To this indictment the prisoner pleaded—*Not Guilty.*

Mr. Perceval opened the pleadings.

Mr. Newnham, leading counsel for the prosecution, addressed the Jury in these words:

Gentlemen of the Jury,

It is my peculiar province, in the ſituation in which I ſtand, to ſtate to you, and to ſupport the proſecution upon thoſe grounds which I ſhall preſently lay before you. It is impoſſible, Gentlemen, not to feel upon an occaſion like the preſent, and in ſome degree to commiſerate the unhappy priſoner at the bar, who ſtands charged with the offence that has been opened to you by my learned friend. He ſtands charged, Gentlemen, with ſetting fire to and burning the houſe of *John Taylor, Eſq.* called *Bordſley Hall*, in this county. Gentlemen of the Jury, upon this occaſion, at the commencement of ſeveral trials that will ſucceed in their due courſe to the preſent now before you, you will permit me to bring to your recollection what you muſt know,—becauſe no man in the kingdom is a ſtranger to it: that upon the 14th and 15th of laſt month, or perhaps a day afterwards, ſuch tumultuous and ſuch dangerous riots took place, as were a ſcandal and reproach to any well regulated government; and though it was impoſſible, with the exertions of the magiſtrates, and the aſſiſtance of many of the well-diſpoſed perſons of Birmingham, to withſtand ſuch riots, yet they did as much as in them lay to prevent the dreadful conſequences that enſued; but violence and tumults bore down the weak efforts of juſtice. Gentlemen, they were carried to ſuch an exceſs, that his Majeſty, the great father of his people, and the protector of the peace of the country, has thought fit to interfere, in order to preſerve the property of his ſubjects, and by the leſſon of wholeſome proſecution, in the moſt ſolemn manner has taken this up as an act of government. I ſtate it ſo, Gentlemen; and, at the ſame time, as one of the ſervants of the crown, I muſt ſtate too, that although I may pity that unfortunate priſoner, who in a frenzy of deluſion thought fit to ruin and demoliſh,

demoliſh, as he is charged with having ſet fire to and deſtroyed one of the moſt elegant and beſt houſes in this county, belonging to a man in his public and private character as irreproachable through life as any in the kingdom; a character given him by all his friends and neighbours. I ſay, although I may commiſerate the priſoner, yet he committed this exceſs without the ſmalleſt provocation, without the ſmalleſt reaſon,—being actuated by frenzy,—I mean the frenzy of deluſion. Mr. Taylor has ſuffered in his property to an exceedingly great amount.

Gentlemen, I have nothing, nor has government any thing to do with the private opinions entertained by any one man, or any ſet of men. Viciſſitude of opinions produces ſometimes the fouleſt and the groſſeſt inſults upon government. We all recollect the dreadful conſequences of the year 1780, when the capital was threatened with deſtruction, and was almoſt lighted throughout from one end to the other, with the fires that were kindled by the phrenzy of opinion. Gentlemen, the houſe of Mr. Taylor ſtill ſmoaks in its ruins; that priſoner ſtands charged with this.—Whatever opinion he may entertain, it does not concern me to enquire into, or you to know: but this I know, and this you will know and feel, that the only ſafe anchor of the conſtitution of this country, is the law: that is the protector, the general protector of our property and of our lives, and without that ſure and ſafe anchor of protection and of hope, we ſhould be all ſubject to the aſſumed affectation of opinion of a tumultuous rabble in every part of his Majeſty's dominions.

Gentlemen, having thus ſtated to you, without wiſhing to purſue, becauſe I know that it is not the object of government to purſue by any other means than by a fair ſtate of evidence before the conſtitu-

tional judges of the country, viz. you, the Gentlemen of the Jury, I ſhall ſtate to you the facts, and the particulars of theſe facts with which he ſtands charged. Gentlemen, I have told you that upon the 15th of laſt month, a tumultuous rabble aſſembled at the houſe of Mr. Taylor. Liquor at firſt was their pretence and their demand; they went away; they returned ſhortly after; they broke into the houſe, the priſoner at their head, as I am told; and not ſatisfied with throwing out the furniture, fire was ſet to the houſe, which the priſoner was ſeen to do;—he himſelf was ſeen to do it, and to feed the fire, *huzzaing* all the time. Gentlemen, if this be proved to you, I need not ſay what you will do. I do not remind you, becauſe I know that you are the preſervers of the conſtitution. You will do that which an Engliſh jury ought to do; namely, their duty upon the evidence. If that ſatisfies your minds, convict the priſoner."

EVIDENCE FOR THE PROSECUTION.

Edward Cotteral examined by *Mr. Coke*.

Q. Mr. Cotteral where do you live?

A. At Deriton, near Birmingham.

Q. How far is it from Deriton to Mr. Taylor's houſe?

A. I don't know. It may be about three quarters of a mile, Sir.

Q. Was you at Mr. Taylor's houſe on the 15th of July laſt?

A. Yes, Sir.

Q. At what time of the day?

A. About three o'clock in the afternoon.

Q. How long did you ſtop there?

A. Till five, Sir.

Q. Where did you go then?

A. I then returned to Deriton.

Q. You

Q. You ſay you were at Mr. Taylor's houſe from three to five,—did you obſerve a great number of people about the houſe?

A. Yes, Sir; a great many.

Q. At what time did you go back to Mr. Taylor's houſe?

A. About ſeven, Sir.

Q. Now was there a great number of people about this houſe at that time?

A. Yes, Sir.

Q. What were they doing?

A. They were walking about.

Q. Did you ſee any damage done?

A. I ſaw no damage.

Q. At what time did they begin to do damage?

A. About eight o'clock.

Q. What did they do firſt?

A. They broke the windows to pieces.

Mr. Newnham.—Deſire the other witneſſes to go out of Court.

Judge.—Let all the other witneſſes go out of Court.

Mr. Coke.—*Q.* You told us that about eight o'clock at night they began to do miſchief to Mr. Taylor's houſe, by breaking the windows and doors; now at this time did you obſerve the priſoner at the bar among them?

A. No, Sir.

Q. When did you firſt obſerve him?

A. After they began the miſchief I ſaw him come from the other end of the houſe and joined them.

Q. At what time might that be?

A. About ten minutes after they began to break the doors and windows.

Q. Will you be ſo good as to relate to his Lordſhip and the Jury what you ſaw him do?

A. Firſt

A. Firſt of all he came huzzaing and making a noiſe, and joined them, and ſeemed to be very full of liquor. He then went up the ſteps towards the door, and I ſaw no more of him at that time.

Q. Did you ſee him do any damage?

A. I did not.

Q. When did you ſee him again?

A. About half paſt nine o'clock.

Q. What was he doing when you ſaw him the ſecond time?

A. I ſaw him on the gravel walk before the parlour windows,—he was throwing ſome broken frames and bedſteads into a fire.

Mr. Clarke ſaid, this was only an indictment for arſon, and ſubmitted to his Lordſhip whether upon this indictment he would allow them to give evidence of a riot.

Mr. Newnham was ſurpriſed at this objection, and ſaid he muſt ſuppoſe that his learned friend did not hear the witneſs ſtating that the priſoner took ſome broken frames and bedſteads and threw them into a fire.

Mr. Coke.—Now relate what you ſaw the priſoner do?

A. He took ſome window-ſhutters and frames, and threw them on a fire that was in the parlour.

Q. Was the fire that was in the parlour on the floor?

A. It was.

Judge.—The windows of the parlour were broken and were out, were they?

A. Yes, my Lord.

Mr. Coke.—Now what did he ſay when he threw theſe things into the fire?

A. He called out huzza.

Q. Was he very active?

A. No, Sir.

Q. You

Q. You ſaid he huzzaed?

A. Yes, Sir.

Q. How many people might there be about Mr Taylor's houſe?

A. I don't know.

Q. Did you ſee the priſoner do any thing more?

A. No, Sir.

Q. Was this houſe burned down or not?

A. It was burned down.

Judge.—Let me know that I underſtand you right. You ſay there was a fire made in the parlour, for the purpoſe of burning down the houſe,—that fire was not in the fire-place?

A. No, my Lord.

Q. And then the priſoner fed that fire by throwing pieces of bedſteads, and pieces of ſhutters, and frames of windows into it?

A. Yes, my Lord.

Croſs-examined by Mr. CLARKE.

Q. When did that fire begin to be lighted?

A. That I do not know, Sir, nor who lighted it.

SAMUEL HEELY, *examined by Mr.* SUTTON.

Q. Heely, where do you live?

A. In Charles-ſtreet, No. 3, Birmingham.

Q. What are you by trade?

A. A button-maker.

Q. Did you know the houſe at Bordſley Hall?

A. I ſaw it on the 15th of July laſt.

Q. When did you go there?

A. About half paſt eight o'clock.

Q. What did you ſee there on the 15th of July?

A. I ſaw a great number of people about the houſe, and aſked what was the damage; they ſaid they expected Mr. Taylor's houſe to be all ſet fire to that night.

Q. How long did you ſtay there?

A. I walk-

A. I walked about from half paſt eight till nine.

Q. Where was this fire taken from?

A. From a public-houſe that was near, called the *Yorkſhire Jockey.* Some firebrands were carried out of this public-houſe, and two fires were made before Mr. Taylor's door.

Judge.—Well.

Witneſs.—The furniture which was flung from the chamber windows, was laid on thoſe fires. Somebody flung fire into the hall, and then I went into the hall. After a fire was brought into the hall, a man came down ſtairs and carried a part of that fire up ſtairs.

Mr. Sutton.—What man was that?

A. He went by the name of Rodney. The priſoner at the bar is the man.

Q. Did you ſee the priſoner go into a room up ſtairs?

A. I ſaw him go into a room with a fire in his hand.

Q. Well?

A. He left the fire in the room, and came down ſtairs again and took more fire out of the parlour, and went up ſtairs into another room, and left it there.

Judge.—Did you ſee him come down ſtairs a ſecond time, and take fire from the flags of the hall and carry it up ſtairs?

A. Yes, my Lord.

Mr. Sutton.—What was the conſequence of it.

A. When he came down ſtairs the ſecond time, he laid hold of me by the arm, and deſired me to walk up and look about me. He then had ſome fire in his hand.

Q. What did he do with it?

A. He laid it on the ſquare.

Q. What do you mean by the ſquare?

A. I mean

A. I mean by the ſquare the firſt landing-place near the ſtair-caſe.

Judge.—What was the ſtair-caſe made of?

A. It was made of mahogany, as far as I can gueſs.

Mr. Sutton.—When he told you to walk up ſtairs and look about you, what anſwer did you make?

A. I told him it would be better to let that alone.

Q. Did the fire burn furiouſly?

A. It got up ſo quick, and raged ſo violently, that a man who was up ſtairs could not get paſt it, and was obliged to jump out at a window to ſave his life.

Q. Did the ſtair-caſe take fire from the fuel he placed there?

A. It took fire ſo quick, and raged with ſuch fury, that we were obliged to run out of the houſe for our ſafety.

Q. Will you tell me what he put on the fire which he placed on the landing-place?

A. He put upon it the paper-hangings that were torn from the walls, and the furniture that was broken, and ſtirred it about with a ſtick which he had in his hand.

Judge.—This was on the landing of the ſtairs.—How long did you ſtay at Mr. Taylor's houſe?

A. From half paſt eight till twelve, as nearly as I can gueſs.

Mr. Sutton.—Well, what was the effect of this ſetting fire to the ſtair-caſe and the different rooms you are ſpeaking of. In what condition was the houſe.

A. The roof fell in about eleven o'clock.

Q. Did you know the priſoner before this time?

A. Yes, Sir; I have known him ſome years. I underſtand he was born at Birmingham.

Q. Are you ſure he was the man?

A. I am.

A. I am.

Croſs-examined by Mr. WILLES.

Q. Did the priſoner appear to you to be ſober at the time?

A. I think he was in liquor.

Q. If I underſtand you right, when you firſt went to Mr. Taylor's houſe a fire was burning before the door?

A. Yes, Sir.

Q. And after that you ſaw ſome perſons take ſome fire and throw into the hall?

A. Yes, Sir; into the front hall.

Q. Now, did you obſerve what courſe that fire took that was thrown into the hall?

A. I did not ſee that the fire did any damage in the hall.

Q. From what cauſe did the roof fall in?

A. From the fire that Field carried up ſtairs.

Q. Where did you ſtand all this time?

A. At the bottom of the ſtairs on the ſquare.

Q. Then how can you tell that the fire in the hall did not burn the houſe?

A. The fire in the hall did not burn the houſe.

Q. How do you know that?

A. Becauſe I ſtood in the hall, while the fire was on the ſtone flags, till the roof fell in from the fire that Field carried up ſtairs.

Q. Was there not a mob of people about the houſe?

A. Yes, Sir; there was.

Q. Now were there not more fires at this time burning in different rooms of the houſe?

A. After the fires were carried up ſtairs by Field, there were fires burning.

Q. Mind me, Sir. Did you ſee all the rooms that were up ſtairs?

A. I did

A. I did not: I could not ſee all the rooms, and could not tell but that there might be fires in thoſe I did not ſee.

Q. You ſay there was a vaſt number of people about the houſe; now I aſk you, Sir, how many people you ſaw in the houſe?

A. I ſaw the priſoner and one of Mr. Taylor's ſervants.

Q. What are you, Sir?

A. I am a button-maker.

Q. Whom do you work for?

A. For Mr. Sutton.

Q. How many people did you know there by name beſides the priſoner?

A. None.

Q. Did you know the priſoner by his name?

A. I did.

Q. Where did you ever ſee him before?

A. I ſaw him in Birmingham. He uſed to go along with coal-carts and water-carts. He uſed to come to our houſe and ſerve us with coals.

Q. You ſay you ſaw nobody elſe you knew by name?

A. No, Sir.

Q. And that there might be fires in the other parts of the houſe for any thing you know?

A. Certainly, Sir.

Re-examined by Mr. SUTTON.

Q. I think you ſaid the hall was paved with flags?

A. Yes, Sir; with flag ſtones.

JOHN BROOKS *examined by Mr.* PERCEVAL.

Q. Mr. Brooks where do you live?

A. At Deriton.

Q. What buſineſs are you of?

A. I am a file forger.

Q. I believe you know Edward Cotteral?

A. I do;

A. I do; he works for me.

Q. Pray, Sir, do you know Mr. Taylor's houſe at Aſton?

A. I do.

Q. Did you ſee it on the 15th of July laſt.

A. Yes, Sir.

Q. About what time?

A. Between nine and ten o'clock.

Judge.—In the morning or evening?

A. At night.

Mr. Perceval.—Will you then be ſo good as to tell us what you ſaw there?

A. When I came up there were two fires before the hall; ſomebody then threw ſome fire into the hall, and then Field took the goods that were thrown out of the houſe, conſiſting of window-frames and window-ſhutters, and threw ſome of them on the fires that were before the houſe, and others into the fire that was in the middle of the hall.

Croſs-examined by Mr. CLARKE.

Q. Now, Mr. Brooks, if I underſtand you right, you ſaid the priſoner picked up the things that had been thrown out of the different rooms, and laid them on the fire which was in the parlour. Pray, did you know the priſoner before?

A. Yes, Sir.

Judge.—You did not ſee him throw any fire, but only ſaw him throw the window-frames and other things into the fire that was burning in the houſe?

A. Yes, my Lord. I never ſaw him throw any fire.

SOLOMON GARDENER *examined by Mr.* NEWNHAM.

Q. Mr. Gardener, I underſtand you were in the ſervice of Mr. Taylor on the 15th of July laſt,—pray tell me what condition his houſe was in on the morning of the 15th?

A. It

A. It was in very good condition, Sir.

Q. In what condition was it at twelve o'clock at night?

A. It was all demoliſhed and burned down.

Mr. Clarke and *Mr. Willes* ſubmitted to his Lordſhip, that as there was no evidence to ſhew that the priſoner had ſet fire to this houſe, but only that he had thrown ſome goods into the fire that had been kindled by ſome other perſon, he could not be convicted on this indictment, which charged him with ſetting fire to it.

The learned Judge ſaid, in his apprehenſion, if a perſon brought a quantity of fire into a houſe, and another fed it by adding fuel to it, he was as much the original burner as the perſon who firſt kindled it.

The priſoner called no witneſſes to his character.

Mr. Baron Perryn ſummed up this evidence, and delivered an excellent charge to the Jury.

His Lordſhip obſerved, that this indictment was founded on an Act of Parliament, made in the ninth year of George the Firſt, commonly called the Black Act. He conceived the indictment would have been founded on the Riot Act, 1 Geo. I. c. 5. By the Black Act it was provided, among a variety of other offences that were there collected together, that whoever ſhould wilfully and maliciouſly ſet fire to any houſe, barn, or outhouſe, ſhould be a felon without benefit of clergy. This was the law on which this proſecution was founded.

His Lordſhip ſaid, although the priſoner at the bar did not ſet this houſe on fire, yet, in point of law, he being there, and acting in the manner that had been deſcribed by the witneſſes, was as guilty of burning down the houſe, as the perſon who brought the firſt firebrand. The priſoner ſeemed to have been one of the moſt active. As to his being in liquor, that was no excuſe at all, but rather

an aggravation. Common reaſon and law ſaid, that a man who had been guilty of one crime, ſhould not be excuſed becauſe he had committed another. He ſaid it was for the Jury to decide, and not to be governed by any thing he had obſerved upon the ſubject.

Mr. Sutton, one of the gentlemen of the Jury, ſaid he had ſome doubts in his mind reſpecting the veracity of the ſecond witneſs, Samuel Heely. He ſaid, he was a ſervant of his, and he knew him to be a man of no great veracity.

The learned Judge ſaid the character of this witneſs had not been impeached before him. He was the principal witneſs to affect the priſoner,—but if the Jury did not believe him, his evidence would go for nothing. He ſaid the Jury had better retire, and then they would have an opportunity of communicating more freely together.

They retired about an hour, and then brought in a verdict of—*Guilty*.

While the Jury were out conſidering of their verdict, *John Edwards* and *Walter Underwood* were committed to gaol for threatening *Joſeph Elwell*, and ſaying he ſhould have a d——d good licking if he gave evidence againſt the rioters.

WILLIAM RICE was the next priſoner put to the bar, and the indictment preferred againſt him, as well as the indictments againſt the other rioters, were founded on the Riot Act.

He was indicted by the name of *William Rice*, late of the pariſh of Aſton, near Birmingham, in the county of Warwick, labourer, for that he, together with divers other perſons, to the number of twenty and more, whoſe names are unknown, ſince the laſt day of July, which was in the year of our Lord, 1715, and within the ſpace of twelve months next, before the taking of this inquiſition; that is to ſay,

ſay, on the 16th day of July laſt, in the 31ſt year of the reign of our Sovereign Lord George III. by the Grace of God, &c. with force and arms, at the pariſh and in the county aforeſaid, unlawfully, rioteouſly, and tumultuouſly did aſſemble together, to the diſturbance of the public peace. And being then and there ſo aſſembled, as aforeſaid, he, the ſaid William Rice, and the ſaid divers other perſons, malefactors and diſturbers of the peace of our ſaid Lord the King, whoſe names are unknown, did then and there, with force and arms, feloniouſly and unlawfully, and with force, begin to demoliſh and pull down the dwelling houſe of *William Hutton*, there ſituated, in contempt of our ſaid Lord the King and his laws, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of our ſaid Lord the King, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided.

Mr. Perceval opened the pleadings.

Mr. Newnham's addreſs to the Jury:

Gentlemen of the Jury,

In the laſt caſe it was my duty to ſtate to you, I thought it right, as it was the firſt of the kind, to ſay a few words to you upon the grounds of the public proſecution that was inſtituted againſt Field for ſetting fire to the houſe of Mr. Taylor. The priſoner at the bar ſtands charged with an offence of no leſs dangerous tendency to the peace, to the property, and to every thing that is dear to the ſubjects of his moſt gracious Majeſty. By the Riot Act, if a number of perſons, above twelve, aſſemble in a riotous and tumultuous manner, and pull down, or begin to pull down or demoliſh any houſe belonging to any of his Majeſty's ſubjects, &c. I confine myſelf to a houſe,

because the offence with which the unfortunate priſoner at the bar ſtands charged, is an offence of that ſort. His Majeſty, with the moſt affectionate regard to the preſervation,—with the moſt affectionate regard to the peace of all his ſubjects, has thought fit to direct theſe proſecutions, in order to prevent for the future a repetition of thoſe offences that are ſimilar to that with which the priſoner ſtands charged; which, in its conſequences, diſturbed the affrighted town of Birmingham, that peaceful ſeat of wealth and commerce. The perſon whoſe houſe was attacked, whoſe houſe was begun to be pulled down and demoliſhed, and which was in fact pulled down and demoliſhed, is the perſon for whoſe ſake, but chiefly for the ſake of the public too, the government of the country has directed me to proſecute.—Gentlemen I do not wiſh, I am ſure it is not my wiſh, that any thing ſhould be preſſed beyond the rules of juſtice and of law.

The priſoner ſtands charged with beginning to pull down and demoliſh the houſe of a very reſpectable gentleman of the name of Hutton, who, I believe, is a commiſſioner of the Court of Requeſts, and generally the preſident or chairman. It is not neceſſary, in point of law, to prove that he actually demoliſhed the houſe. It is enough if, by his preſence, he was encouraging and abetting. But you will find him one of the moſt active among them, and pulling down Mr. Hutton's houſe with his own hands.

Gentlemen, It is my duty, in my ſtation, to repreſent to you the nature of the charge, and the reaſons that have induced the ſervants of his Majeſty to take part in this proſecution for the benefit of the peace. You will, in your turn, execute your duty. I do not mean without feeling

ing, but you will with juſtice do that duty which the law requires of you, when you have heard the evidence againſt the priſoner.

EVIDENCE FOR THE PROSECUTION.

JOSEPH CRESSWELL *examined by* Mr. SUTTON.

Q. Creſſwell, what is your buſineſs?

A. I am a gardener.

Q. Who was you gardener to on the 15th of July laſt?

A. To Mr. William Hutton.

Q. On the 15th of July did he apply to you to do any thing?

A. Yes; in the courſe of the evening he aſked me to ſtop all night. He was afraid the mob was coming to deſtroy his building.

Judge.—Then you was not a regular ſervant, but was only occaſionally employed on the 15th of July?

A. Only occaſionally employed, my Lord.

Mr. Sutton.—Did you ſtay that night?

A. Yes, Sir.

Q. Now will you tell me if any thing happened in the courſe of that night?

A. Not till the next morning.

Q. At what time?

A. About half paſt four in the morning as nearly as I can gueſs. The mob came huzzaing and calling out *Church and King for ever!*

Judge.—How many perſons were there?

A. About twenty, or five and twenty.—When they came down to the houſe they demanded liquor, which I offered to fetch them. I offered to fetch them what they liked by Mr. Hutton's orders. They would not accept of my fetching it, but they proceeded into the cellar.

Q. What did they do in the cellar?

 A. They

A. They brought up two quarter barrels of ale, one after another, as nearly as I could gueſs. They drew it out into a pail and drank whatever they liked.

Q. Did they empty the barrels?

A. No, my Lord; but what they did not drink, they knocked about.

Q. Was Mr. Hutton then abſent from his houſe?

A. He was: he went off about two o'clock in the morning.

Mr. Sutton.—Well.

A. Whatever they found in the houſe, as bread and cheeſe, they eat and complained there was not enough. I went over to a public houſe oppoſite, and brought a loaf and about half a cheeſe, and gave it to the mob.

Judge. Well.

A. Through perſuaſion they went away.

Mr. Sutton.—Now, after that did they return again?

A. They did, Sir.

Q. At what time?

A. Near ſix o'clock.

Q. Were they in greater numbers or fewer?

A. In greater numbers, Sir.

Q. Was there any particular man you ſaw there?

A. The priſoner at the bar was the firſt that came, with another along with him. This was the ſecond time,—I knew them both.

Q. When they came the ſecond time, did any thing happen?

A. I went and ſpoke to the priſoner at the bar.

Q. Now tell us what paſſed?

A. I ſaid what brings you here among the mob?

Judge.—

Judge.—Had you known this man before?

A. Yes, my Lord.

Q. What anſwer did he make?

A. He made ſome ſlight anſwer. I ſaid, for God's ſake do not deſtroy the building, but take whatever is in the houſe. I directed my diſcourſe not only to the priſoner, but to them all.

Q. What anſwer did he make?

A. He ſaid they would be d——d if it ſhould not come down; and accordingly he ſtruck a kitchen window, and the other man that was along with him immediately ſeconded him.—They broke it and knocked it all to pieces. The priſoner ſeemed to be a ringleader.

Mr. Sutton.—Had the priſoner any thing in his hand?

A. A bludgeon.

Q. Were the others armed or not?

A. They were armed with bludgeons.

Q. Did any body get into the houſe?

A. They got into the houſe directly, and I ſaw this Rice for one deſtroying the banniſters of the ſtairs, and throwing them through the windows into the garden.

Q. How many perſons might there be then round the houſe?

A. I ſuppoſe there might be thirty, or between thirty and forty, and about ten in it.

Q. Was any other miſchief done to the houſe beſides the banniſters?

A. It was totally deſtroyed.

Q. Did you hear any thing ſaid of Mr. Hutton?

A. They ſaid they would be revenged on Mr. Hutton, on account of the Court.—He is a Commiſſioner of the Court of Requeſts.

Q. Was there any other perſon beſides yourſelf who ſat up to guard the houſe that night?

A. John Hemmings.

Croſs-examined by Mr. CLARKE.

Q. I think, Mr. Creſſwell, you ſaid you worked for Mr. Hutton?

A. Yes, Sir.

Q. Did you go into the houſe?

A. No, Sir, I ſtood at the door, thinking to perſuade them not to go in.

Q. Give us ſome account of the breaking of the windows. You ſaid the priſoner had a bludgeon in his hand, and ſtruck at a window; where did he hit it?

A. He ſtruck the middle part, and the window and frame all flew out.

Q. Do you mean to ſay that the priſoner broke the window?

A. I mean to ſay that he ſtruck the firſt blow, and that by his aſſiſtance it was broken to pieces.

Q. Did you ſee him ſtrike it more than once?

A. Yes, I did; but how many times I cannot ſay. It was knocked out immediately before they went away.

Q. Now, Sir, where was you after this window was ſtruck?

A. I ſtopped, and went along the front of the houſe. I ſaw him throw part of the banniſters out of the window.

Q. Where was you then?

A. I was ſtanding at the bottom of the ſtaircaſe where the priſoner was.

Q. You do not recollect any other perſon being there whom you knew?

A. I do not.

Q. Did the priſoner ſeem to be active?

A. Yes,

A. Yes, Sir, he was pretty active in the buſineſs.

Q. How long did you ſtay?

A. I ſtaid till they fetched fire to deſtroy it. It was then near ſeven o'clock. It was near ſix when it began, and I ſtaid till I ſaw the houſe deſtroyed, except ſeeing the fire.

Q. Did you know the perſon who brought the fire?

A. I did not.

Judge. — Was the houſe burned or pulled down?

A. At laſt it was burned.

Q. Did you ſee the priſoner at the bar bring any fire there?

A. No, my Lord.

JOHN HEMMINGS *examined by Mr.* PERCEVAL.

Q. John Hemmings, what are you?

A. A ſervant to Mr. Hutton, Sir.

Q. Was you at his houſe on the 15th of July laſt?

A. Yes, Sir.

Q. Will you tell us what you obſerved there?

A. I was there on the 15th moving property, and ſtopped all night to guard the houſe:—On the 16th ſome of the mob came.

Q. About what time?

A. Between four and five o'clock. Creſſwell and ſeveral of us were there.

Q. When the mob came what did they do?

A. They got into the cellar and brought out two barrels of ale. They huzzaed and called out *Church and King.* They had bread and cheeſe, and what of the ale they did not drink they threw out.

Q. Was Mr. Hutton in the way?

A. No,

A. No, Sir; I believe he left his houſe between two and three o'clock in the morning.

Q. Did they do any miſchief at that time?

A. No, Sir; they went away.

Q. Did you ſee any thing more of them that day?

A. Yes, Sir.

Q. When did they return?

A. About ſix o'clock.

Q. What number might there be?

A. There were more than before; perhaps thirty or more.

Q. Did you know any of them?

A. Yes; I knew the priſoner for one.

Q. In what part of the mob was he?

A. He was in the middle of the mob when they came a ſecond time; they came huzzaing, and ſaid they would have the houſe down immediately.

Q. What anſwer did you make them?

A. Creſſwell ſaid they ſhould have any thing, but begged that they would not deſtroy the dwelling.

Q. What did they ſay to that?

A. They ſwore bitterly they would have it down directly.

Q. Did you hear the priſoner make uſe of that expreſſion?

A. Yes, my Lord.

Mr. Perceval.—Did you ſee any of them do any thing?

A. Yes, Sir; the priſoner began, with others, to break the windows immediately.

Q. With what windows did they begin?

A. With the kitchen windows; then they proceeded to the parlour windows, and to the baniſters of the ſtaircaſe.

Q. Did

Q. Did you ſee the priſoner at the banniſters?

A. Yes, Sir; I ſaw him knocking them to pieces, and throwing them out at the windows.

Q. Did you hear him ſay any thing reſpecting Mr. Hutton?

A. Yes, Sir; he ſaid he would have the houſe down, on account of the court.

Q. Was it before or after the houſe was ſet on fire that the banniſters were thrown out at the window?

A. It was before; I never ſaw the houſe on fire.

Q. When did you go away then?

A. Between ſeven and eight.

Q. Was the priſoner active in this buſineſs?

A. He was.

Croſs-examined by Mr. WILLES.

Q. You told us you ſaw the priſoner firſt attempt to break a window, did you ever ſee him before?

A. I did, at Birmingham, but never knew his name. I have ſeen him in the ſtreets.

Q. In what capacity did you live with Mr. Hutton?

A. As a porter. I worked in the houſe in town, but did not lodge there.

Q. Did you know what trade he was of?

A. I ſuppoſed he was a brick-maker, or ſomething like that, for he was always covered with clay.

Q. You muſt have been in ſome degree of alarm when the mob was there?

A. I was.

Q. The mob, I ſuppoſe, was in different parts of the houſe?

A. They were.

Q. Did you ſee the priſoner more than once at the houſe?

A. I

A. I ſaw him ſeveral times that morning: I ſaw him in different parts of the houſe, about the ſpace of three, four, or five minutes at a time, from ſix o'clock till half paſt ſeven.

Judge.—You ſaw this man in different parts of the houſe for an hour and an half?

A. Yes, my Lord, and he was there when I left the building.

GEORGE ROYAL *examined by Mr.* CLARKE.

Q. Was you at Birmingham on the 16th of July laſt?

A. I was; and ſaw the priſoner between five and ſix o'clock in the morning.

Q. Where did you ſee him?

A. At Deriton, at a public-houſe, the name of which I don't know. I aſked him for a pint of beer, and he gave me a ſhare of two pints.

Q. How long were you there?

A. We ſtopped a little time.

Q. Where did you go then?

A. We went to Mr. Tart's, who keeps the Dial, to aſk for a pint of beer, and Mr. Humphrey's ſervant ſaid, there was no occaſion to buy beer, there was enough to be had for nothing. I ſaw no more of the priſoner.

Q. What o'clock was it then?

A. About ſix.

Croſs-examined by Mr. NEWNHAM.

Q. I ſee by your regimentals you are in the King's ſervice.

A. Yes, Sir.

Q. On what day did you ſee the priſoner?

A. On a Saturday morning.

Q. To what regiment do you belong?

A. To the 19th of dragoons.

Q. At

Q. At the public-houſe where you had the two pints of beer, who was preſent beſides you and the priſoner?

A. I cannot tell. There was one perſon, but I cannot ſay what his name was.

Q. Where did you come from?

A. From my quarters, at the ſign of the Queen's Head, Birmingham.

Q. How long have you been in Birmingham?

A. Six or eight weeks.

Q. Are you a Birmingham man?

A. No, Sir, I am from Northampton.

Q. Had you ſeen the priſoner before?

A. I had. He had been in the 10th regiment of light horſe, which now belongs to the Prince.

Q. Where was you going when you met the priſoner?

A. I was going up to ſee the ruins of Mr. Taylor's houſe, but did not go there, but to Mr. Tart's

Q. Who propoſed to go to Mr. Tart's?

A. I did. But when I firſt met the priſoner, I aſked him to go back to ſee the ruins of Mr. Taylor's houſe, as I did not know the way.

Q. But you went to Mr. Tart's; how came you to go there?

A. I went for a pint of beer.

Q. Who paid for it?

A. Nobody paid for it: Mr. Humphrey's ſervant ſaid there was no occaſion to buy beer, becauſe there was enough to be got for nothing.

Q. Who is Mr. Humphrey's ſervant?

A. I never ſaw him before, but I was told he was Mr. Humphrey's ſervant.

Q. Where did you part with the priſoner?

A. At Mr. Tart's.

GEORGE MASCAL *examined by Mr.* CLARKE.

Q. Where do you live, Sir?

A. At

A. At the corner houſe at Aſhtead, a little out of Birmingham.

Q. What are you?

A. I am in the building way.

Q. Do you know the priſoner at the bar?

A. Very well, Sir, I have known him two years.

Q. Do you recollect ſeeing the priſoner any time on the 16th of July.

A. I do; at half paſt ſix in the morning my houſe was full of people, who were making a great noiſe, when the priſoner and another man came in. I ſell victuals and drink to my workmen. As ſoon as they came in, another man ſaid d——n you, what have you to do here. The priſoner then took a ſtick from one of the men, and ſaid d——n your blood don't do this man any harm. He was againſt the mob: when he went out of the houſe it was about ſeven o'clock: the mob went to the left which leads to Mr. Hutton's houſe, and he to the right. Mr. Hutton's houſe at that time was all on fire. The very ſame morning at half paſt eight, I ſaw the priſoner coming out of a barber's ſhop and croſs the way; and in about two or three hours after that I ſaw him at Birmingham. He was not in any mob.

Croſs-examined by Mr. NEWNHAM.

Q. You ſay when the priſoner went out of your houſe, Mr. Hutton's houſe was all on fire?

A. Yes, Sir.

Q. I aſk you, Sir, whether you ſaw it?

A. I did; and could diſtinguiſh it to be Mr. Hutton's houſe; I could ſee it all in flames.

Q. Are you ſure it was Mr. Hutton's houſe?

A. I am.

Q. How long did the priſoner ſtay at your houſe?

A. About half an hour.

Q. How

Q. How far is Mr. Hutton's houſe from yours?

A. I ſuppoſe, a mile. It is a ſingle houſe with a garden and a garden-wall round it.

Q. You knew the priſoner?

A. Yes, I knew him. He had been at my houſe eating and drinking.

Re-examined by Mr. WILLES.

Q. How long have you known the priſoner?

A. Two years. He worked with my brother-in-law. He was a very honeſt man and always paid for what he had, and I never ſaw any harm by him.

Two other witneſſes ſpoke to the priſoner's character. They ſaid he was a ſober, induſtrious man, and would do a good day's work for a maſter.

Mr. Willes ſaid he could ſpeak from the experience of ſeven years, and he had never known a caſe of this ſort where the counſel for the proſecution replied, although evidence was produced by the priſoner.

Mr. Newnham contended that he had a right to reply, and that right he would never give up, but when he had ſaid that, he obſerved, that he ſhould leave this caſe with his Lordſhip.

Mr. Baron Perryn delivered an excellent charge to the Jury. He obſerved, that this indictment was founded on the Riot Act, the various proviſions of which his Lordſhip diſtinctly enumerated. He alſo directed the attention of the Jury to the moſt material parts of the evidence, by which they were enabled clearly to ſee whether the caſe of the priſoner came within the Riot Act.

His Lordſhip, among many other things, obſerved, the ſituation of the two witneſſes for the proſecution, that they ſtood at the door the whole time, and of courſe had an opportunity of obſerving what paſſed; as they were placed there by Mr. Hutton

for

for that very purpoſe, to preſerve their maſter's property, it was natural for them to obſerve every thing that was going on; and they deſcribed the priſoner at the bar to be one of the moſt active among the mob. There were about ten perſons in the houſe, and above twenty about it. The firſt time the mob came, it did not appear that the priſoner was there, or that any miſchief was done. The evidence of the firſt witneſs for the proſecution was ſtrongly confirmed by that of the ſecond.

After his Lordſhip had ſummed up the evidence for the proſecution, he ſaid if the Jury gave credit to their teſtimony, it brought the caſe home to the priſoner, and affected him with the charge for which he was indicted.

He ſaid the Jury would judge whether the evidence which had been adduced for the defendant would make any alteration in the caſe. His Lordſhip alſo ſummed up this evidence at full length, and gave the priſoner full benefit of it. The Jury were judges of the whole of the evidence; they would judge what credit was to be given to the witneſſes on each ſide, and would give their opinion in the way that ſtruck their own minds.—*Not Guilty.*

When the Jury was ſworn in to try Rice, the whole pannel was called over, and thoſe who were abſent fined in forty ſhillings. The crown challenged eight, and the priſoner ten of the gentlemen who compoſed the pannel.

Robert Whitehead, late of Aſton, near Birmingham, in the County of Warwick, labourer, was indicted for that he, together with divers other perſons to the number of twenty and more, with force and arms, feloniouſly did begin to pull down and demoliſh the dwelling-houſe of William Hutton, there ſituated, contrary to the ſtatute, &c.

To

To this indictment the priſoner pleaded—*Not Guilty.*

Mr. Perceval opened the pleadings.

Mr. Newnham's addreſs to the Jury:

Gentlemen of the Jury,

I ſhall not trouble you on this proſecution above two or three minutes. My only reaſon for troubling you at all on this occaſion is, that two of the witneſſes whom I ſhall produce to you on this proſecution, are two that were examined on the laſt. I purpoſely avoided, and I wiſhed my learned friends ſtudiouſly to avoid bringing any perſon's name in queſtion, when the trial related ſolely to the then priſoner at the bar. It would have been improper in me to have done it; and there was hardly any occaſion for this caution. I purpoſely refrained from it. I ſhall now ſubmit the priſoner's caſe to your juſtice.

Mr. Baron Perryn aſked, if the evidence in this caſe was the ſame with the laſt, why it was not included in the former indictment? The Chief Baron, in the year 1780, tried ſix in the ſame indictment. It was exceedingly laborious to him. And, ſaid his Lordſhip, it would have been my labour in this caſe, to point out the evidence as applied to each ſeparately. But although it is more laborious, it would equally anſwer the purpoſes of juſtice. I dare ſay, however, the gentlemen have conſidered it very properly, and I leave it entirely to them.

JOSEPH CRESSWELL *examined by Mr.* COKE.

A great part of Creſſwell's evidence on this trial was preciſely the ſame with what he ſaid on the laſt, and therefore we ſhall endeavour to confine ourſelves to that part which only applies to the priſoner.

The witneſs ſaid, the priſoner at the bar came with the mob the ſecond time. He was not the firſt in the mob: and his hair was then hanging looſe down his back. He began to break the windows in the front of the houſe. John Hemmings was ſtanding at a ſmall diſtance from the priſoner with two guns in his hand, when the priſoner came up to him and wrung one of them from him, ſtruck him with the butt end of it, and knocked him down, and would certainly have killed him if ſome perſon had not reſcued him. He ſwore that he would kill him. The priſoner took the gun into the front of the garden, and Hemmings ran away. I, ſaid the witneſs, went almoſt cloſe to the priſoner, who ſtruck me twice on the left arm. The houſe was not ſet on fire, but it was demoliſhed. Although the priſoner was not my acquaintance, I had ſeen him ſeveral times. He might be five or ſix yards off from Rice, demoliſhing the windows with a bludgeon in the front, oppoſite to the road.

JOHN HEMMINGS *examined by Mr.* BALGY.

A great part of this witneſs's evidence alſo was preciſely the ſame with that which he gave on the former trial. He confirmed the laſt witneſs, in ſaying that he ſaw the priſoner breaking the windows with a bludgeon. After this he ſaw him in the houſe, alſo breaking the banniſters of the ſtairs with a bludgeon. After that he ſaw him in the front of the houſe next the turnpike road, breaking the windows. The witneſs ſaid he was ſtanding with two guns, when the priſoner came up, ſeized one of them, and knocked him down with it, and repeated his blow three or four times, and ſwore that he would kill him. Some perſons ſaid, for God's ſake do not kill him. He ſaid, a perſon prevented the priſoner from ſhoot-

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ing him. He was ſure the priſoner at the bar was the man. He ſwore poſitively he never preſented his gun to any body that morning, and particularly at the time when the gun was taken from him. There was a number of men beſides him watching Mr. Hutton's houſe that night, though he could not recollect all their names. He ſaid he was perfectly ſober.

Mr. DAVIES *examined by Mr.* SUTTON.

The evidence of this witneſs was preciſely to the ſame effect with that of the two firſt. He ſaw the priſoner begin to break the windows with a ſtick which he had in his hand. He gave the witneſs a blow on the ſide of the face, for lifting a bed curtain rod which he had thrown down from one of the chambers. Another came up and gave him another blow. He ſaid, he believed that in all he received three blows. The priſoner was not the firſt man in the mob, though he came along with them.

SAMUEL MASON *examined by Mr.* PERCEVAL.

This witneſs was one of the men who had been at work at Mr. Hutton's, on the 15th of July, and ſat up all night to watch, by Mr. Hutton's orders.

His evidence exactly agreed with that of the reſt. He ſaw the priſoner between ſix and ſeven o'clock at the front of the houſe, breaking the windows, and afterwards knocking down John Hemmings with the butt end of the gun.

DEFENCE.

James Moulds appeared as a witneſs for the priſoner, and was examined by *Mr. Clarke.* He was one of the guards at Mr. Hutton's, on the night of the 15th of July. He knew the priſoner at the

bar. He had ſeen him in the mob when they came the firſt time, and alſo when they came the ſecond time. He was exceedingly angry with him, and ſaid, "why the devil are you with them now?" "I have," ſaid the witneſs, "been trying to get them away, and I cannot." I begged, ſaid he, of the priſoner to aſſiſt me, and accordingly he did his endeavours. I have known him theſe three or four years. He helped me in every reſpect, and was the only friend I had there.—Hemmings, who was one of the watchmen about Mr. Hutton's houſe, had three guns in his poſſeſſion. He was ſtrutting along with them, and the rioters by force endeavoured to take them away from him. I gave the alarm that they were all charged. I then called to Whitehead again, for God's ſake to help me to get the guns away; and with a great deal of trouble they were put out of the way. I heard an alarm in the turnpike road that guns were coming again, and ſaw Hemmings with two guns. He began to preſent one of them to the priſoner at the bar. Upon this, Whitehead knocked down Hemmings with a ſtick, and took the two guns from him. In ſhort, according to the evidence of this witneſs, the priſoner, ſo far from being a rioter, did every thing in his power to quell the riot.

Four or five reſpectable witneſſes were called to ſpeak to the priſoner's character. Some of them had known him twelve, and others fifteen years, and ſaid he had as good a character as any workman need to have. They did not ſuppoſe there was a man in his line in the town who had a better character.

The learned Judge, in his charge to the Jury, after he had ſummed up the evidence of the four witneſſes for the proſecution, obſerved, that four men

men muſt be abſolutely perjured if the priſoner at the bar was not at Mr. Hutton's houſe at the time they had ſtated,—if he was not active in the buſineſs, and had not committed thoſe acts of violence which they had enumerated. The Jury were the judges whether theſe four perſons were worthy of credit. If they had not ſpoken the truth, they muſt be guilty of perjury. One would ſhudder to think, that four men would ſpeak to facts that were unfounded, in order to affect the life of a priſoner. If what they had ſworn was falſe, they muſt be the worſt perſons exiſting upon the face of the earth.

His Lordſhip next ſtated, very circumſtantially, the evidence of Moulds on behalf of the priſoner, and deſired the Jury to weigh in their own minds how far it deſerved credit.

After the learned Judge had finiſhed his charge, the priſoner endeavoured to account for his going to Mr. Hutton's houſe. He ſaid, on the Saturday morning he got up by times, and in the ſtreet where he lived he heard a noiſe at ſome diſtance. He followed it till he arrived at Mr. Hutton's houſe; that was the reaſon why he went there the firſt time. He went there the ſecond time to uſe his endeavours to quell the riot, as he had done the firſt time.——*Not Guilty.*

WEDNESDAY, AUGUST 24.

Names of the Gentlemen of the Jury.

John Gueſt,	Chriſtopher Law,
John Trehern,	Henry Parker,
James Aſpenall,	Edward Bower,
John Merry,	Joſeph Lindon,
John Wingfield,	John Clark,
John Hickſon,	John Eaves.

JOHN GREEN, BARTHOLOMEW FISHER, and JOHN CLIFTON, late of Aſton, in the county of Warwick, labourers, were indicted, for that they, together with *William Jones*, now at large, and divers other perſons, to the number of fifty and more, whoſe names are unknown, on the 15th of July laſt, unlawfully, riotouſly, and tumultuouſly did aſſemble together, and felonioufly did begin to pull down the dwelling-houſe of *Joſeph Prieſtley*, Doctor of Laws, there ſituated, againſt the King's peace, &c.

To this indictment the priſoners pleaded—*Not Guilty.*

Mr. Coke, Member for Nottingham, addreſſed the Jury, and obſerved, that in the abſence of Mr. Newnham, who was peculiarly Counſel for the Crown, it was his duty, being next in ſeniority, to ſtate to them the circumſtances of this caſe. He obſerved, that they were then to proceed to the ſame ſort of buſineſs that had engaged their attention yeſterday; and there never was an occaſion in this country that called more ſeriouſly for it. There never was an occaſion when Government had acted more honourably, becauſe they had taken on themſelves, to the relief of the individual ſufferers, the expence and load of theſe proſecutions. If juries acquitted, it was not the fault of government. He did not wiſh it to be underſtood as if anybody had been improperly acquitted yeſterday; he only meant to ſay, that government had done their duty. If a man was to be perſecuted becauſe he held this or that religious—or this or that political opinion, he ought to leave this country—it did not deſerve the name of his country,—it was not worth the having. Dr. Prieſtley, both in his private and public character, was an honour to ſociety, and held forth as bright an example of every virtue as any man in the country. But if a man's property was

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to be deſtroyed, and his life put in imminent danger, becauſe he held certain political opinions, or becauſe he preached certain doctrines, he ought to ſell his country, and leave it immediately. He ſaid, he did not profeſs to agree with Dr. Prieſtley either in his religious or in his political opinions; but if he had been at Birmingham when the riots took place, he ſhould have riſqued his life in the protection of Dr. Prieſtley's houſe; and the more ſo, becauſe he had differed in opinion from him. By perſecution, the ſmalleſt ſect in the country, ſo far from being cruſhed, would thrive; and as he was not a Diſſenter himſelf, but a Church of England man, he lamented extremely that this would tend to augment the number of Diſſenters. The Diſſenters were as reſpectable and as quiet ſubjects as any in the country,—and unleſs the Jury convicted, and convicted with great attention, thoſe who had been clearly guilty, perſecution would make them encreaſe. It was manifeſt that they had been lately perſecuted in the moſt groſs and infamous manner. Government had ſtepped forward in the proſecution of the offenders,—but if juries would not convict, they would thereby add to the number of Diſſenters, who had a right to hold their various opinions.

Gentlemen, ſaid the learned Counſel, if you do not convict where the caſe calls for conviction, you are enemies to your country. Remember you are on your oaths to diſcharge your duty. I have told you, and you know the fact to be ſo, that Dr. Prieſtley's houſe was pulled down merely becauſe he was a Diſſenter. You know that this is no reaſon at all. Dr. Prieſtley's life is irreproachable; and I believe Dr. Prieſtley would not have eſcaped with his life, if he had remained half an hour longer. Look at theſe fellows, (the priſoners); if you do not convict on this occaſion, another 14th of July will come, and there will be

other riots, and Dr. Prieſtley himſelf will be burned. Remember, another year is coming; and next year there may be as much reaſon for celebrating the French Revolution as there was this year. I ſhould not chuſe to be preſent at ſuch meetings, and diſapprove of them as much as any man in the country. But I am clearly of opinion, that the people of this country have a right to eat and drink as much as they pleaſe,—to get drunk,—and to drink bumper toaſts. If you do not convict theſe vagabond fellows, Dr. Prieſtley himſelf will be burned!

Gentlemen, you have ſons and grandſons, and the tables will be turned on you, and your ſons and grandſons will be thrown into the fire in the next century. I call on you as Engliſhmen, and friends to the conſtitution, to attend to the evidence and to do your duty. You ſtand in a very conſpicuous ſituation. There are no twelve men in England, on whom the whole kingdom are looking with ſo much anxiety and expectation as on you. I have heard it ſaid that they (the Jury) will not convict any one of them. I have heard in the ſtreets ——

Mr. Clarke one of the counſel for the priſoners ſaid, Mr. Coke had no right to ſtate what he had heard in the ſtreets.

The learned Judge ſaid, he thought that Mr. Coke had opened the proſecution with great propriety.

Mr Gueſt, the foreman of the Jury, ſaid he thought this opening was exceedingly improper, and diſgraceful to them, the Jury, in as much as it inſinuated that they had not faithfully diſcharged their duty.

Another Juror ſaid he felt himſelf in a very diſagreeable ſituation.

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The foreman ſaid he underſtood the nature of an oath as well as the learned Counſel, and came there faithfully and conſcientiouſly to diſcharge his duty.

Mr. Coke ſaid, it was an hundred to one that he had addreſſed the Jury at all. It was only from neceſſity, in the abſence of his learned friend who was in the other Court, and whoſe abſence he could not poſſibly foreſee. He did not know that the Jury had been on any trials yeſterday, and he ſaid he had begun with obſerving, that he did not mean to inſinuate that any priſoner had been improperly acquitted. He was only ſtating the reaſons why the Jury ought to give their attention to this buſineſs; that the eyes of the whole country were upon them. He was going to inform the Jury that it was rumoured, he dared ſay the report was unfounded, that they would not convict. His Lordſhip had approved of what he had ſaid. He again obſerved, that Government had done their duty in a manner that was much to their honour, and he hoped and truſted that the Jury would alſo perform their duty. He ſhould now call his evidence.

EVIDENCE FOR THE PROSECUTION.

JOHN HARRIS *examined by Mr.* SUTTON.

Q. John Harris, do you know Doctor Prieſtley's houſe at Fair Hill?

A. Yes, Sir; I ſaw that houſe on the 14th of July laſt, about ten o'clock at night.

Q. Did you ſee any thing happen there?

A. When I went there I ſaw about twenty or thirty people; and many of the Doctor's friends were giving them drink, and deſiring them to go peaceably home.

Q. Did they go away?

A. They

A. They did, Sir.

Q. Did they return again?

A. They returned with a great many more people with them.

Q. About what time was that?

A. It was about half paſt twelve o'clock at night. They hallowed, and called out "*Church and King.*

Q. This, I think, you ſay was between twelve and one o'clock?

A. It was, Sir.

Q. Was there any particular perſon among the mob that you knew?

A. I ſaw no perſon on the 14th of July that I knew.

Judge—Were there more or fewer the ſecond time they came?

A. I cannot ſay how many there might be, but there were more the ſecond, by a great number, than the firſt time.

Mr. Sutton.—What did they do?

A. The firſt was a man of the name of Staniard, who ſtruck at the gate with a weapon which he had in his hand. He and the reſt began to ſtrike at the gate with their weapons; they knocked it down and broke it to pieces.

Q. Did you ſee any body breaking any bedſteads, or any of the pannels of the doors?

A. On the 15th of July, early in the morning, I fancy it was about ſun-riſing, but I cannot pretend to ſay, I ſaw John Green breaking down a pair of bedſteads belonging to Dr. Prieſtley, and I ſaw him alſo breaking the banniſters of the ſtairs, and likewiſe the doors and windows at different times that morning.

Q. Did you ſee Joſeph Foſter there that morning?

A. I did; he was not doing any thing, but was

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ſent there by the orders of his miſtreſs to enquire after his maſter, and to bring him home.

Q. What did you ſee Foſter doing?

A. He and myſelf were carrying two or three bedſteads down ſtairs, and took them to Mr Godinton's farm for ſafety. When we were carrying one of the beds down ſtairs, John Green, Staniard, and others of the mob, aſked what we were going to do with it.

Q. What anſwer did you make?

A. We ſaid we were going to deſtroy it.

Q. What was your reaſon for ſaying ſo?

A. Becauſe we were in danger; and if we had not ſaid ſo we ſhould have been knocked down.

Q. Did Green ſay any thing to you?

A. I do not recollect any thing ſaid by Green, becauſe they were all talking.

Q. Do you know if Green was near enough to hear you ſay you was going to deſtroy the bed?

A. That I do not know.

Q. Did you ſee Fiſher do any thing?

A. On the 15th of July I ſaw Fiſher breaking the pannels of the doors.

Q. What time was it when you ſaw Fiſher?

A. It was day light in the morning.

Q. Did you ſee him do any thing elſe?

A. Yes; I ſaw him breaking the window ſhutters and window frames, but I do not know preciſely the time.

Q. Did you ſee John Clifton there?

A. I ſaw him breaking the door of an apartment belonging to the houſe, but I did not ſtop, as I was carrying away the bedſteads to Mr. Godinton's farm. I ſaw Clifton before I ſaw Green or Fiſher.

Q. Were theſe men active, or were they not, in doing miſchief?

A. Green

A. Green and Fiſher were very active for a long time. I ſaw Clifton but very little.

Q. Did the mob come in a riotous or quiet manner?

A. They came very riotouſly.

Q. When was it that you left Dr. Prieſtley's houſe?

A. On the 15th of July in the afternoon. I ſtopped there till it was nearly conſumed.

Q. Was it ſet fire to before or after this damage done by the priſoners?

A. This damage was done by the priſoners ſome hours before I ſaw the houſe ſet fire to.

Croſs-examined by Mr. CLARKE.

Q. What may you be by trade?

A. I am a caſt iron founder by trade.

Q. How came you to go to Dr. Prieſtley's houſe?

A. I was ſent there by my miſtreſs to ſeek for my maſter.

Judge.—Who is your maſter?

A. Mr. Clarke, of Bagly.

Q. You was not employed by Dr. Prieſtley?

A. Not at firſt; I carried away a great many of theſe goods, and ſaid I was a going to deſtroy them.

Q. Suppoſe, my friend, that evidence had been produced againſt you here, that you ſaid you was going to deſtroy theſe goods, you would have then ſtood where the priſoners are; what would you have ſaid to that?

A. I could prove clearly that I took them away to a place of ſafety.

Q. I wiſh you would be a little more particular as to time; how long had you been at the place before you ſaw the priſoners?

A. I had

A. I had been there many hours before I ſaw Green.

Q. How many?

A. I cannot ſay, I had no watch, nor heard any clock?

Q. You are very accurate in the recollection of the expreſſions, you ought likewiſe to remember the time within an hour?

Judge.—Say what time it was as near as you can.

A. My lord, I cannot recollect better, it was day-light in the morning.

Q. Mr. Clarke, was it three o'clock; was it four o'clock?

A. It was between the hours of twelve at night and twelve the next day.

Q. You muſt be a little more correct, Sir, as to time, and muſt not ſuppoſe that I am to be ſatisfied with ſuch an anſwer?

Judge.—Give the gentleman the beſt anſwer you can.

A. When I ſaw Green, I think it was ſome where about four or five o'clock.

Q. Mr. Clarke,—will you ſwear it was between four and five?

A. I will not.

Q. Will you ſwear it was not ſix in the morning?

A. I will not ſwear that it was not ſix, nor that it was not five or four o'clock; I cannot pretend to ſay, for I was very buſy in ſaving what property I could.

Q. I aſk you why you did not forget the converſation that paſſed as well as the time?

A. I ſaw Clinton about three or four o'clock.

Q. What time was it when you ſaw Fiſher?

A. I think it was about five o'clock.

Q. Did you know the priſoners?

A. I have

A. I have known Clifton a long time, Fiſher I have ſeen in Deriton, but I do not believe I ever was once in company with Green in my life.

Q. I think you ſaid you ſtopped there till the houſe was nearly conſumed?

A. I did, and when there was nothing more to be done I came away.

Q. I aſk you, Sir, whether you did not ſay before the Magiſtrate, that you ſaw Green between twelve and one o'clock?

A. I never ſaid any ſuch thing.

Counſel.—It is put down ſo in the written examination.

A If it is, it is put down wrong.

Note.—This witneſs repeated every queſtion before he anſwered it.

The Judge ſaid it could anſwer no other end but to give him time to collect what anſwer would beſt ſuit his purpoſe.

Q. What did they do when they firſt broke in?

A. They went through the houſe, ſometimes into one room, and ſometimes into another; moſt of the mob got in at the windows, and began immediately to deſtroy windows, doors, and furniture. This was about one, or between one and two o'clock.

Q. At what time was it when they began to ſet fire to the houſe?

A. About eleven or twelve of the day.

Q. How long did you ſtop there?

A. Till three or four in the afternoon.

Re-examined by Mr. SUTTON.

Q. You ſay you cannot be accurate as to the preciſe time when you ſaw the priſoners?

A. No, Sir; I cannot.

Q. Was it before or after ſun riſing?

A. It

A. It was after ſun-riſing when I ſaw Fiſher and Green.

Q. Was it long after day-light when you ſaw Green and Fiſher?

A. It was.

Q. Who was the perſon who helped you to carry out the beds?

A. Joſeph Foſter.

JOSEPH FOSTER *examined by Mr.* PERCEVAL.

Q. Mr. Foſter, do you know Dr. Prieſtley's houſe at *Fair Hill*?

A. I do, and was there on the 14th of July, about eleven o'clock at night.

Q. Will you be ſo good as to tell us what you ſaw at the time?

A. When I went there firſt, there were about thirty men at the gate, and the ſervants came backwards and forwards giving them ale and porter. Theſe men waited there till the reſt of the mob came up. They afterwards went into the houſe. It was then about one o'clock.

Q. In what way did they go into the houſe?

A. They broke in by the front windows.

Q. Did you ſee any body there whom you knew?

A. I did not at that time.

Q. How came you there that night?

A. My miſtreſs ſent for me, and I was called out of bed to aſſiſt in getting the goods out.

Q. Who is your maſter?

A. Mr. Beeſley. I alſo went there to fetch my maſter home; my miſtreſs was afraid he would be hurt. But when I came there, Mr. Clarke aſked me to come up to the houſe and do what I could to get out the property.

Judge.—Was Mr. Clarke a friend of Doctor Prieſtley's?

A. Mr.

A. Mr. Clarke and Mr. Beeſley went to get Doſtor Prieſtley and his family away, and they did.

Q. Did you ſee any perſon there that you could particularly ſpeak to?

A. Not then; I ſaw nobody that I knew till the morning, when John Harris and I were coming down ſtairs with a bed, a parcel of the mob came up ſtairs and pulled the bed off my back, d—d my eyes, and aſked me what I was going to do with it.

Q. Was there any perſon in the mob that you knew?

A. Yes; John Green. When the mob d—d our eyes and aſked us where we were going with it, I ſaid, what is it that to you. They then pulled it off again, and were pulling it about the ſtairs, John Harris ſaid we are going to deſtroy it; they then anſwered; d—n you take it away.

Q. Did you ſee John Green do any thing?

A. I ſaw John Green breaking a pair of bedſteads. I was going up to bring down theſe bedſteads, and found him breaking them. I ſaw him alſo breaking the window caſes.

Q. Any thing elſe?

A. No, Sir.

Q. When this mob met you on the ſtairs, was John Green active?

A. He was active in helping to get the bed off my head at the time they made uſe of the expreſſions I have ſtated.

Q. Did you ſee Green do any thing elſe?

A. No, Sir.

Q. You ſay you were aſſiſting to get the things out?

A. Yes; by my maſter's orders.

Croſs-

Croſs-examined by Mr. WILLES.

Q. At what o'clock did you firſt go to Dr. Prieſtley's?

A. At eleven at night.

Q. How came you to ſtop ſo long?

A. By Mr. Clarke's orders.

Q. Did you ſee your maſter there?

A. I did at five o'clock.

Q. How long did you ſtop there?

A. Till about eight o'clock; I was at home by nine.

Q. You will be kind enough to tell me what time in the morning you ſaw Green?

A. The ſun was up; it was after four o'clock.

Q. Do you recollect meeting the priſoner, Fiſher, as you went home?

A. I do not know that I did.

Q. Were you ſober at the time?

A. I was.

Q. When you went home in the morning had not you a bottle of brandy in your hand?

A. I had not.

Q. Will you ſwear that you was perfectly ſober?

A. That I will.

Q. Did you diſcover any thing to John Green, to ſhew him that you was not going to deſtroy the bed?

A. No, Sir.

Q. Well then, Sir, how do you know but he took the bed from you in order to ſave it?

No anſwer.

Re-examined by Mr. PERCEVAL.

Q. Was it before or after you told him you were going to deſtroy the bed that Green and the reſt of the mob interrupted you?

 A. It

A. It was before; and when John Harris told them we were going to deſtroy it, they were willing we ſhould take it.

ALEXANDER CLARKE *examined by Mr.* BALGY.

Q. Pray Mr. Clarke were you at Dr. Prieſtley's houſe on the night of the 14th of July?

A. Yes, Sir.

Q. What time of the night was it when you came there?

A. It was near eleven at night.

Q. Were any perſons aſſembled there at that time?

A. There were about eight people in the road before the houſe when I went. There were likewiſe ſome people in the houſe taking out ſome of the property with a view to take care of it.

Q. Was any miſchief begun at that time?

A. Not then: people were then bringing the property out, expecting that ſome miſchief would be done.

Q. At what time did the mob come to attack the houſe?

A. At half paſt twelve o'clock. There were about forty or fifty men in the road. The number encreaſed all the night.

Q. How many think you might be aſſembled when the meeting was greateſt?

A. Upwards of three hundred.

Q. Now tell me whether any time during that night you ſaw the priſoner Green?

A. Yes, Sir; I ſaw him about four o'clock in the morning. The mob was then deſtroying the furniture.

Q. What miſchief had been done then?

A. The banniſters of the ſtairs had been broken down, and the window ſhutters.

Q. It

Q. It was a ſaſhed houſe I believe?

A. It was. The window of the ſaſh was demoliſhed, but not the frame.

Q. Now will you tell me whether you ſaw Green take any part in this tranſaction?

A. I ſaw him pull a pair of bedſteads and heave them up and down.

Q. Where were they ſtanding?

A. In one of the upper rooms.

Q. Were they up, or down on the ground?

A. They were up in the uſual form.

Judge.—They were pulling them down were they?

A. Yes, my Lord; ſeemingly with an intention to break them.

Mr. Balgy.—What did they do with them?

A. I cannot ſay, I left them doing ſo.

Q. What time in the morning did you ſee this?

A. It was near four o'clock, Sir.

Q. Did you ſee him do any thing elſe?

A. No, Sir.

Q. Did you obſerve whether Green had any thing in his hand?

A. Yes, Sir; a piece of wainſcotting.

Q. Did you know what he did with it?

A. No, Sir.

Q. Now will you tell me whether while Green was doing this, the mob were tumultuous in breaking to pieces the furniture in Dr. Prieſtley's houſe?

A. They were in that room in which he was.

Q. Now look on the priſoner Green,—do you know him to be the man?

A. Yes, Sir; I have known him ſeven years.

Q. Did you know him when he was doing the miſchief in the houſe?

A. Yes, Sir.

Q. Are you ſure the priſoner at the bar was the man who did it?

A. I am ſure of it.

Croſs-examined by Mr. CLARKE.

Q. The people who were employed to take away the beds, took them down, I preſume, as they could not take them down ſtairs as they ſtood. Pray what did the mob do?

A. They lifted them up whole as they were, and daſhed them down again.

Here a very ingenious argument took place between the Counſel, on the true conſtruction of that clauſe in the Riot Act upon which this indictment againſt the priſoners was founded.

The learned counſel on the part of the priſoners obſerved, that this indictment was for beginning to pull down and demoliſh the houſe of Dr. Prieſtley. And it was in evidence that before any of the priſoners at the bar were there the deſtruction of this houſe was begun.—— And if the priſoners were not concerned in the beginning of the deſtruction of it, they were not within the act of parliament: and conſequently if his Lordſhip favoured this conſtruction, the priſoners could not be convicted.

On the other ſide, it was ſtated by the learned Counſel for the proſecution that this act of parliament created two diſtinct offences. 1ſt, *To demoliſh and pull down*; and 2dly, Beginning to demoliſh and pull down. The indictment was founded on the clauſe that enacted penalties againſt thoſe who began to demoliſh. And if none could be convicted as a beginner to demoliſh, but thoſe who actually did the firſt miſchief, then this monſtrous conſequence muſt enſue.—

Suppoſe

Suppoſe a man at the head of twenty thouſand men, and he only began to pull down or demoliſh any houſe or building, and then the twenty thouſand engaged in it, but did not complete the deſtruction of it, it was impoſſible that any of them could be puniſhed but their general. This was ſo abſurd that it was unneceſſary to enlarge upon it. A beginning to demoliſh muſt therefore mean a partial demolition. And ſuppoſe a man begins to demoliſh, and then another comes up and aſſiſts him, the ſecond in point of Law is as much a beginner to demoliſh as the firſt.

The learned Judge ſaid he ſhould be extremely happy if he could think that in point of Law the objection could avail the priſoners. He ſhould be extremely deſirous if he could put ſuch a conſtruction on this act, as to ſerve the purpoſe for which this objection was made. But his Lordſhip conceived, that if the conſtruction that was now contended for was put on this act, it would render it entirely nugatory, would be contrary to the intention of the Legiſlature at the time it was made, and would only render it a dead letter. Suppoſe two hundred rioters came up to deſtroy any houſe and only one began to demoliſh it, and that then the reſt lent him their aſſiſtance, the hundred and ninety-nine would go free without any puniſhment, which would totally defeat the intention of the Legiſlature. His Lordſhip wiſhed that it had been poſſible for him to conſtrue this act favourably for the priſoners. His Lordſhip ſaid the point had been argued very ably by the learned counſel on both ſides.

Green called three witneſſes, one of whom attempted, though his evidence did not come up to it, to prove an *alibi*. They had known him

for two or three years, and he had always behaved himſelf very well.

Clifton called a very reſpectable witneſs who had known him fifteen years, who had been his maſter, and for whom the priſoner had done buſineſs a number of years as a journeyman. He ſaid he was an honeſt, ſober, ſedate man.

Several other reſpectable people were ready to give him the ſame character.

Fiſher called one witneſs to his character, who rather hurt him than did him any ſervice.

His Lordſhip delivered an excellent charge to the Jury. He ſummed up the evidence with great accuracy and correctneſs, and obſerved to them, that the lives of the priſoners at the bar depended on their verdict. He conceived that the evidence againſt Clifton was much weaker and ſlighter than againſt the other two priſoners. The excellent character given him by his maſter who had known him ſo many years, his Lordſhip ſaid ought to make a deep impreſſion on their minds. He hoped that the Jury would diſtinguiſh his caſe from that of the other priſoners. Not that they ſhould not find them not guilty alſo, if they entertained any reaſonable doubt of their guilt. He thought on the evidence, that they would have no difficulty to find Clifton not guilty. His Lordſhip ſaid he ſhould be perfectly ſatisfied with any verdict the Jury might give.

FISHER and GREEN—*Guilty.*

CLIFTON—*Not Guilty.*

JOHN STOKES, *otherwiſe* JOHN PAYNE, late of Aſton, in the County of Warwick, labourer, was indicted for that he, together with divers other perſons to the number of fifty and more, on the 15th of

of July laſt, unlawfully, riotouſly, and tumultuouſly did aſſemble together, and feloniouſly began to demoliſh and pull down a certain building for religious worſhip belonging to *Thomas Laurence*, *William Moore*, and others, ſituated in Birmingham, in the county aforeſaid; and certified and regiſtered according to law, &c.

Mr. Balgy's addreſs to the Jury.

Gentlemen of the Jury,

It falls to my lot, gentlemen, in the abſence of the gentlemen who are aſſiſtants with me in conducting theſe proſecutions on the part of the crown, to ſtate the facts which I ſhall lay before you in evidence againſt the priſoner at the bar.

Gentlemen, in diſcharging this duty I ſhall not take upon myſelf to addreſs your paſſions at all on the ſubject. All I ſhall do is to ſtate to you in the cleareſt way I can, that this is an offence againſt the Act of Parliament, and that the priſoner at the bar is guilty of that offence. Gentlemen, the Act of Parliament you have heard much talked of on the ſubject of the different trials that are ſimilar to the preſent. Although this does not happen to be the dwelling-houſe of any perſon or perſons, yet it is a building equally protected within the Act of Parliament, becauſe it is in the words of the Act a building for religious worſhip, certified and regiſtered according to the ſtatute which was made 1ſt W. and M. ſo that although this is not a dwelling-houſe, yet by the Act of Toleration, it is a building which the law meant to protect. Gentlemen, the building is allowed to be the property of different perſons, whoſe names are ſtated in the indictment. They are truſtees in whom the legal property is veſted, under a Deed of Conveyance, and therefore the

learned Judge will tell you, that it is perfectly regular and formal to lay the property in thoſe truſtees, in whom the legal property is veſted, for the benefit of thoſe perſons who chuſe to aſſemble for religious worſhip in that place.

With regard to the form of the indictment, I believe you will be relieved from any manner of difficulty. The ſingle queſtion will be, whether the guilt is ſufficiently brought home to the priſoner by the evidence I ſhall ſtate to you. The evidence is this: this meeting-houſe, with other buildings, was begun to be demoliſhed on the evening of the 14th of July. A great mob was aſſembled there, and you will find in the morning of the 15th, that the priſoner made a part of that mob. Gentlemen, the part which he took in this tranſaction you will hear from the witneſſes whom I ſhall call to you. And the part he took was this: you will find him with a rafter in his hand when the building was in part demoliſhed, lending all the aſſiſtance he could to demoliſh the remainder; you will find him beating the walls of the building, and endeavouring, as far as he could, to level that building with the ground. Gentlemen, this is not the only part which he took in this tranſaction. You will find him getting wood and materials off the building, which was pewed in the inſide. You will find him making fires of the wood, and endeavouring to demoliſh all the inſide of the houſe. Theſe are the ſort of facts which I ſhall call ſeveral witneſſes to prove.

Gentlemen, there is one fact which will be worthy of your obſervation, with regard to the priſoner at the bar. It is a fact that will apply to this caſe, more than to the caſe of any other perſon that was aſſembled on that occaſion. The other perſons in that unlawful and felonious act addreſſed themſelves

ſelves to him as a leader,—ſpeaking of him as a perſon that was to conduct this moſt wicked and moſt infamous enterpriſe,—ſpeaking to him as their commander and as their general. This is the way you will find this aged man addreſſed by the younger priſoners in that felonious enterpriſe, during the time this building, erected for the purpoſe of religious worſhip, was deſtroying, and was in part deſtroyed. Gentlemen, this is the ſort of evidence which I ſhall produce againſt the priſoner at the bar. I told you before, I would not endeavour to inflame your paſſions by any addreſs to them. My Lord has told you, there was a debt you owed to humanity,—and you owe favour to a man that ſtands in this unfortunate ſituation as much as it is poſſible to favour him. But as there is a debt of humanity due to the individual, ſo there is a debt of humanity due to the public. You will obſerve that line I have no doubt. We ſhall call our witneſſes, and lay this evidence which I have opened before you. I hope I have opened it pretty correctly. I intended to do ſo. If the caſe is not proved in the manner I have ſtated it, I now take the liberty of requeſting you to attend to the evidence, and not to any fact I have ſtated, if not fully proved.

EVIDENCE FOR THE PROSECUTION.

THOMAS LEE *examined by Mr.* PERCEVAL.

Q. Mr. Lee, do you know the OLD MEETING HOUSE, in Old Meeting Houſe Lane, at Birmingham?

A. Yes, Sir.

Q. Who are the truſtees or legal owners?

A. They are eleven,—Thomas Laurence, William Hunt, James Moore, &c.

Q. Were there any other truſtees in the deed of truſt, who are now dead?

A. There

A. There were, Sir. Theſe eleven are the only living truſtees. I believe there are no others beſides them.

Mr. Willes ſaid he had a right to call for the deed, and they could not give parole evidence of it unleſs it was loſt.

A gentleman here ſtarted up in Court, and ſwore that he was a ſubſcribing witneſs to the deed.

Mr. Willes ſaid, that anſwered his objection.

The witneſs ſaid, he would ſwear that all the others named in the deed, beſides the eleven, were dead.

Mr. HUNT *examined by Mr.* PERCEVAL.

The counſel ſaid, he ſhould trouble the witneſs to produce the regiſter of this Meeting Houſe, which was to be found in the Records of the Seſſions for the county of Warwick.

Mr. Hunt produced a certificate of the regiſter, dated 16th July, 1689.

Mr. Clarke obſerved to his Lordſhip, that by the Riot Act the parties were bound to regiſter the Meeting Houſe, otherwiſe it did not come within the proviſions of that ſtature. The evidence was, that the Old Meeting Houſe was built in Old Meeting Houſe Lane. But the regiſter was of a meeting-houſe in Philip ſtreet, and therefore on account of that variance the priſoner muſt be acquitted.

It was obſerved by the counſel for the proſecution, that Old Meeting Houſe Lane was formerly called Philip Street, ſo that it was the ſame ſtreet.

Mr. Clarke contended that it was not the ſame, and that it would not be ſufficient even if they could produce that evidence. It ought to have appeared on the indictment.

One of the learned Counſel aſked whether there was ſuch a ſtreet as Philip Street; and was informed

ed that there was, but that the meeting-houſe was not in that ſtreet, though it was very near it. Philip Street was about 200 yards from the meeting-houſe, but did not run in the ſame line with Old Meeting Houſe Lane. The certificate, of which they had always been in poſſeſſion, was produced, and the houſe there certified and regiſtered was ſtated to be ſituated in Philip Street; whereas, according to the evidence, it ſtood in Old Meeting Houſe Lane.

Mr. Balgy ſaid, if that was not the proper certificate, he ſhould produce another.

Mr. Clarke ſaid this was the regiſter which the gentlemen for the proſecution had relied upon, and therefore the learned Counſel had no right to produce any other.

Mr. Balgy ſaid, if he had another he ſhould produce it and prove it.

His Lordſhip ſaid, ſince the Old Meeting Houſe, in Meeting Houſe Lane, had not been regiſtered, he could not proceed to the trial of this indictment, and therefore the Jury muſt find the priſoner—*Not Guilty.*

WILLIAM SHUKER, late of Birmingham, in the county of Warwick, labourer, was indicted, for that he, together with divers other perſons, to the number of fifty and more, whoſe names are unknown, on the 15th of July now laſt, unlawfully, riotouſly, and tumultuouſly did aſſemble together, and felonioufly began to demoliſh the dwelling-houſe of JOHN RYLAND, there ſituated, againſt the peace of the King, &c.

To this indictment the priſoner pleaded—*Not Guilty.*

Mr. Balgy's addreſs to the Jury:

Gentlemen

Gentlemen of the Jury,

You have heard this indictment againſt the priſoner at the bar, which charges him with being one of the perſons that were concerned in demoliſhing, in part, the dwelling-houſe of Mr. Ryland. Gentlemen, this houſe of Mr. Ryland's was begun to be demoliſhed in the middle of the day: a circumſtance of extraordinary outrage indeed! It was begun by different perſons, of whom the priſoner at the bar was one. You will find by the witneſſes the part he took in it. He is the BELLMAN of the town of Birmingham, and you will find him at the riots, and in the mob, with the bell in his hand, and aſſiſting to pull down and demoliſh this houſe of Mr. Ryland. He not only aſſiſted to pull down and demoliſh that houſe, but you will find him taking part of the furniture out and ſetting it on fire, and doing all he could to put the houſe of Mr. Ryland in flames. That you will hear from two or three witneſſes, who will give you an account of the tranſaction, and the part the priſoner at the bar took in it. This man's caſe does not reſt ſingly on that. You will find ſome declarations that he made at the time. A witneſs that I ſhall call to you will ſwear that he made a part of the mob, and encouraged them to complete what they were doing. The expreſſion that he uſed, and which will be proved, I ſhall ſtate. While they were endeavouring to pull down and demoliſh this houſe of Mr. Ryland, you will find the priſoner at the bar encouraging the mob, and uſing this expreſſion,—DAMN IT, DOWN WITH IT. So that he was not merely doing all that he could himſelf to pull down the houſe by his own bodily ſtrength, but you will find him giving encouragement to the reſt of the mob to pull down this houſe.

Gentlemen,

Gentlemen, one would have thought the part that he had taken in that tranſaction was ſuch, that he would not afterwards have boaſted of it, becauſe the ſcene was ſo ſhocking, and the conſequences of it ſo dreadful, that one would have imagined that every perſon concerned in ſo infamous a tranſaction, inſtead of boaſting of what he had done, would be glad to ſhelter their heads in ſecret. But inſtead of that, after the houſe had been demoliſhed, and the miſchief had been done in the way you will hear, the priſoner at the bar, in converſation with a very reſpectable man, Mr. John Kendrick, who hearing that Mr. Ryland's houſe was on fire, and doubting whether the account was the real account, was aſking one of his ſervants whether the account was true, when the priſoner at the bar was coming by at the time, and uſed this expreſſion, (lending an ear to the queſtion which Mr. Kendrick put to his own ſervant) *he would be damned if Mr. Ryland's houſe was not on fire.* For what reaſon? For this reaſon, that he himſelf, the priſoner at the bar, was the firſt perſon who ſet fire to it. This is the evidence. I ſhall make no comment upon it.

EVIDENCE FOR THE PROSECUTION.

JOSEPH ELWELL *examined by Mr.* PERCEVAL.

Q. Joſeph Elwell, do you know Mr. Ryland's houſe at Eaſy Hill?

A. Exceedingly well, Sir.

Q. Did you ſee it on the 15th of July laſt?

A. Yes, Sir;—I was accidentally going to work at half paſt two o'clock, when I ſaw it.

Q. Did you ſee any thing particular there?

A. Yes, Sir.

Q. What?

A. I

A. I saw great number of people breaking the windows and throwing them out, and calling *Church and King*,—and damning the Presbyterians,—that they would burn them. There were about thirty persons or more coming up and breaking the windows and doors.

Here the business was interrupted a little by one of the constables bringing a man before his Lordship for contempt of the court.

The constable on being asked what the man said to him, answered that when he was going out he both damned him, the constable, and the court.

The Judge good-naturedly told the man to go about his business, and to damn the constable as much as he pleased.

Q. What did the mob cry?

A. They cried *Down with the Presbyterians, and damn them we will burn them.*

Q. Did you see any body there you knew?

A. Yes, William Shuker.

Judge.—Was he the person that made use of that expression?

A. Yes; and rang his bell.

Mr. Perceval.—Where did you see him first?

A. Up in one of the rooms. He was the first of the mob I knew. I saw him in one of Mr. Ryland's rooms. He had a bell in his hand, and a stick with which he was knocking the windows to pieces.

Q. Did you see him do any thing else?

A. Yes;—he was throwing things out at the window, such as bedsteads, chamber-pots, and clothes tied up.

Q. Was he sober?

A. He rather had a sip of liquor.

Q. Will you tell us if any thing more happened?

A. There

A. There was an image or ſtatue which they threw down; it was not the priſoner who threw it down.

Judge.—What image was it?

A. It ſtood at a window-caſe.

Mr. Perceval.—Well.

A. After this image was thrown down, the priſoner ſaid damn him, we will burn him,—and huzzaed, and rang his bell.

Q. What happened next?

A. They made me ſo uneaſy that I could not ſtand it any longer. I went to work, and I could not work. A gentleman got his death wound there.

Q. How long did you ſtand there?

A. Till about half paſt five o'clock.

Q. What became of the houſe?

A. It was burned, but I do not know who ſet it on fire.

Q. Are the walls down?

A. Some of them are ſtanding, and ſome of them down.

Croſs-examined by Mr. DARREL, who was only retained for this priſoner.

Q. Pray, Sir, what may you be?

A. A buckle maker.

Q. Now tell me what led you to this houſe?

A. I was going to work, pleaſe you, my noble counſel.

Q. Now, Sir, be cautious what you ſay?

A. Give me time, and I will ſpeak to the truth, and nothing but the truth.

Q. What made you go up ſtairs into the rooms?

A. I was not in the inſide of the houſe at all.

Q. What time of the day was it?

A. About half paſt two.

Q. Was that the time you uſually went to work?

A. Yes,

A. Yes, Sir.

Q. You ſay you ſtood by the whole time?

A. Yes, Sir.

Q. How near did you ſtand to the houſe?

A. About four or five yards.

Q. The image did not fall on your head?

A. No, Sir, it would have killed me.

Q. You have ſworn that the priſoner rang his bell: was he about his buſineſs crying any thing?

A. He had no buſineſs there in the riot: If he had any thing to ring, it was his buſineſs to go about the town and ring his bell, and not in another man's houſe.

Q. Was there no body elſe there but he?

A. Yes; but I knew him particularly: I have known him ſeveral years.

Q. Any quarrel between you and him?

A. No, Sir.

Q. Do you know Mr. Walker?

A. No, Sir; I do not.

Q. Did not you take ten ſhillings from Mr. Walker, Sir, and promiſed that you would not tell the truth?

A. I will ſwear that I never did. A man whom I do not know came to me, and ſaid, "You are a d—d good fellow, I will give you ten ſhillings;" and I took it; but for no bargain that I would not tell the truth.

Q. So that a man came from the clouds and put ten ſhillings into your pocket?

A. He did not come from the clouds.

Q. But you took the ten ſhillings?

A. I did not take it in that light. I did not take it as a bargain to be favourable, and not to to give evidence.

Q. In conſequence of this ten ſhillings you did not give evidence?

A. Yes,

A. Yes, I did give evidence, and I will do it again. I did not receive any money not to give evidence.

Judge.—Was this ten ſhillings received by you for the purpoſe either of giving or not giving evidence?

A. It was not, my Lord.

Re-examined by Mr. PERCEVAL.

Q. When did you receive this ten ſhillings?

A. They were given me laſt night.

Q. Who gave you them?

A. I do not know; I never ſaw the man before in my life.

Judge.—It is very extraordinary that you ſhould take ten ſhillings, without knowing on what account you took it, or from whom you received it. Tell us what that man ſaid to you at the time?

A. He ſaid, "I will give you ten ſhillings, becauſe two men put their fiſts into your face yeſterday."

Q. Did any man put his fiſts in your face?

A. Yes; two men did ſo yeſterday, and your Lordſhip committed them.

Q. So that this ten ſhillings was given you as a ſatisfaction for the injury you received yeſterday morning?

A. It was.

Mr. Perceval.—When the man gave you this ten ſhillings what did he ſay?

A. He ſaid, "d—n him, I have done him."

Q. Was there any thing ſaid about giving evidence in this proſecution?

A. No, there was not.

Judge.—Then you took this ten ſhillings as a ſatisfaction for what theſe two men had done to

you in this place yeſterday morning?

A. I did, my Lord.

JOHN HIPKISS *examined by Mr.* BALGY.

Q. John Hipkiſs, pray do you recollect being at Mr. Ryland's houſe at the time the mob was aſſembled there on the 15th of July laſt?

A. Yes, Sir.

Q. Now, will you tell us whether you ſaw the priſoner at the bar there?

A. Yes, I did.

Q. Had he any thing in his hand?

A. No, he had nothing.

Q. When did you ſee him?

A. I cannot juſtly ſay: It was about two in the afternoon.

Q. Was the houſe then on fire?

A. A thin ſmoak was juſt beginning to aſcend.

Q. Did you ſee any other perſon there beſides the priſoner whom you knew?

A. I ſaw Mr. Brooke, a gentleman in green, endeavouring to diſſuade the mob from doing any miſchief.

Q. Now, will you tell me whether you heard the priſoner at the bar ſay any thing, and what?

A. He ſaid, "*Damn it, down with it.*"

Q. Where were his eyes fixed when he uſed that expreſſion?

A. On a perſon who was throwing out a cheſt of drawers.

Q. Did you hear him ſay any thing more at that time?

A. I did not.

Q. Did you know him before that time?

A. Extremely well. I particularized him then, from the expreſſion, and I knew him very well as being the crier of the town.

Q. Now,

Q. Now, I think you ſaid you did not hear or ſee the priſoner do any thing more?

A. I did not.

Croſs-examined by Mr. CLARK.

Q. Did you take no particular notice of any perſon there beſides the priſoner?

A. I did not.

Q. What damage was done to the houſe?

A The panes of the windows were broken, and ſome of the frames were beat out; ſeveral images were thrown from a bow. I did not ſee the priſoner do any thing.

Q. Was there any thing thrown out at the window?

A. There was a cheſt of drawers thrown out at the windows; and when they were falling down, the priſoner ſaid, "*Damn it, down with it.*"

JOHN LUFF *examined by Mr.* PERCEVAL.

Q. Do you know Mr. Ryland's houſe.

A. I do, and ſaw it on the 15th of July.

Q. At what time?

A. Between one and two o'clock.

Q. What did you obſerve about the houſe at that time?

A. I went to aſſiſt Mr. Ryland to get his property out.

Q. What did you obſerve between one and two o'clock?

A. When I was there I ſuppoſe there were an hundred people before the houſe.

Q. Did you ſee any body in particular there whom you knew?

A. I ſaw William Shuker.

Q. What is he?

A. He is a crier.

Q. How long have you known him?

A. Four years.

Q. You are ſure it was he?

A. I am; I ſaw him take ſeveral parcels of wainſcotting and furniture from other people out at the windows.

Q. Did you only ſee him on the outſide of the houſe?

A. I ſaw him both out and in. I ſaw him carrying theſe things away into an out-building. He made them up like a hay-cock and ſet fire to them.

Croſs-examined by Mr. WILLES.

Q. In what part of Mr. Ryland's houſe might you be when you ſaw the priſoner receiving theſe goods?

A. I was not in the houſe; I was five or ſix yards from it in the front of the houſe.

Q. Where might the place be where you ſaw the furniture carried to?

A. It was to an out-building.

Q. Who ſent for you there?

A. I went there with my brother-in-law to reſcue the goods of Mr. Ryland.

Q. Was there a great number of people collected together at the place where the priſoner carried the furniture?

A. There was.

Q. How long did you ſtay there?

A. I ſtaid there from the time the place was ſet on fire till it was burned.

Q. Did you ſee who brought the fire?

A. I did not.

Q. Do you know a man of the name of Thomas Southall?

A. No, Sir.

Q. Do

Q. Do you know a man of the name of Barns?

A. No, Sir; I do not.

Q. Now, mind me Sir, did you never ſay to any perſon or perſons that if they appeared for the priſoner that you would make it worſe for him?

A. I never did.

Q. You will ſwear that?

A. I will.

Q. Will you ſwear that you did not ſee the priſoner at Mr. Ryland's houſe delivering hand-bills that were publiſhed by the magiſtrates to perſuade the populace to deſiſt from the riots?

A. I will.

Mr. KENDRICK *examined by Mr.* SUTTON.

Q. Where do you live, Sir?

A. At Birmingham?

Q. On the 15th of July laſt did you ſee the priſoner?

A. I did.

Mr. Clarke.—At the time you ſaw him he was in liquor?

A. He was ſo tipſy that he could not walk ſteadily.

Q. Had you any converſation with your ſervant about Mr. Ryland's houſe?

A. Yes; in the afternoon near four o'clock my man came to me and told me Mr. Ryland's houſe was on fire.

Mr. Darrel.—Only tell us what you know of your own knowledge.

A. I will. The priſoner came paſt at the time I was in converſation with my ſervant.

Q. Now repeat to my Lord and the Jury what paſſed?

A. As the priſoner paſſed by I aſked my ſervant if he was certain that Mr. Ryland's houſe was on fire. The priſoner who was then paſſing by cloſe to us, ſaid, Yes; *He would be d——d if it was not, for he was the firſt perſon that ſet it on fire.*

Judge.—Did you make any application or aſk any queſtion of the priſoner?

A. No, my Lord, I never ſpoke to him.

Mr. Darrel ſubmitted to his Lordſhip that this evidence was not applicable to this indictment. The charge againſt the priſoner was for beginning to pull down and demoliſh this houſe, and therefore whether he ſet fire to pieces of the furniture or not was immaterial.

The Judge ſaid he could not tell whether this evidence did or did not apply to this indictment, till it was received.

Croſs-examined by Mr. DARREL.

Q. Now do you mean to ſwear that the priſoner at the bar, when he made this confeſſion to you, knew what he was ſaying?

A. I inferred it from the anſwer that he made.

Q. Was your ſervant cloſe to you?

A. As cloſe as people uſually are when they are in converſation together.

Q. Now be ſo good as to tell me whether you ever before attended to what a drunken man ſaid when he was paſſing in the ſtreets?

A. When it is of conſequence I do.

Q. When did you tell this to any body?

A. When Mr. Lee came to me I told him; I likewiſe on Monday laſt gave notice of it to Mr. Chamberlayne.

Q. You did not think it neceſſary to go before a magiſtrate?

A. No,

A. No, I did not.

Here ſome converſation took place between the Judge and the counſel whether the priſoner's confeſſion in the ſituation in which he was, ought to be admitted againſt him, and whether the evidence was applicable to the indictment.

His Lordſhip ſaid if this man had been drunk when he made the confeſſion he ſhould not have received it. But he did not ſeem to be ſo drunk but that he knew what he was about, and ſeemed to be in a ſituation when a man always ſpeaks the truth; and therefore he thought he muſt receive it as his confeſſion. His Lordſhip was alſo of opinion that he ought to receive the evidence.

The counſel for the priſoner called ſeveral witneſſes in order to impeach the teſtimony of Elwell, Hipkiſs, and Luff, the three firſt witneſſes for the proſecution, and particularly Luff, who ſome of them ſwore was a man not to be believed on his oath.

Five or ſix reſpectable witneſſes gave the priſoner an excellent character. They ſaid he was a very honeſt, quiet, harmleſs man. He only liked a drop of liquor.

Mr. Lucas ſaid he had known him near ſix years, and had employed him as a porter. He had alſo received money for him. He had truſted him in his warehouſe, and in his ſhop, and would truſt him with untold gold. He looked upon him to be as honeſt a man as was in the kingdom.

His Lordſhip with his uſual candour and impartiality, ſummed up the evidence, except that of Mr. Kendrick, and obſerved to the Jury that it was not very ſtrong. They would judge of the credit that each of the witneſſes deſerved. The priſoner appeared to be a roaring, drunken fellow.

His Lordſhip ſaid he was very doubtful whether or no he ought to ſtate the evidence given by Mr. Kendrick. It ſeemed to relate to a diſtinct tranſaction.

His Lordſhip ſtated the good character that had been given the priſoner. He thought as this man was addicted to liquor, and had preſerved ſuch a character, if the Jury were of opinion that he was rolling as he went along the ſtreets, they might very well ſay he was not guilty.

Not guilty.

There was another indictment againſt him for ſetting fire to an out houſe, but the proſecution was dropped.

Joſeph Careleſs, late of the pariſh of Birmingham, in the county of Warwick, labourer, was indicted for that he, on the 15th of July laſt, together with divers other perſons, to the number of fifty, or more, whoſe names are unknown, unlawfully, riotouſly, and tumultuouſly, did aſſemble together, and being ſo aſſembled, he, the ſaid Joſeph Careleſs, feloniouſly and with force, did begin to demoliſh and pull down the dwelling-houſe of *John Ryland*, ſituated at *Eaſy Hill*, in the pariſh and county aforeſaid, againſt the peace, &c.

To this indictment the priſoner pleaded—*Not Guilty.*

Mr. Newnham, as leading counſel for the proſecution, addreſſed the Jury in theſe words:

Gentlemen of the Jury,

Hitherto in the conduct of theſe proſecutions, which his Majeſty's Miniſters, from the paternal care and affection of his Majeſty to all his ſubjects throughout the realm, have directed at the public expence, to the eaſe of the private individual, to be commenced and proſecuted, I, perhaps a very unworthy

worthy ſervant of the Crown, was pitched on to conduct, and, with the aſſiſtance of my very learned friends, to ſtate this proſecution among others to you. I have refrained hitherto, and ſhall, in the courſe of this proſecution, ſtudiouſly refrain from ſtating any thing to you that may, either in my judgment or in the apprehenſion of any by-ſtander, excite improper paſſions on the preſent occaſion, but ſhall only ſuggeſt to you, that this proſecution, among others, is not carried on for the vindictive purpoſes of puniſhment with any particular view to the unfortunate priſoners at the bar, but merely for the ſake of public juſtice, and to read this wholeſome leſſon to all his moſt gracious Majeſty's liege and peaceable ſubjects;—*that the government of his Majeſty, and the peace of all his faithful ſubjects throughout his wide domains, is not to be interrupted by a lawleſs rabble, and tumultuous rioters.*

It is not for the ſake of Mr. Ryland,—it is not to bring to puniſhment the priſoner at the bar of the name of Joſeph Careleſs, whoſe name I never heard of till I was coming on the circuit, but it is for the purpoſe of reading this leſſon to the country,—that his moſt gracious Majeſty, in times of public riot and public aſſembling,—that his miniſters and his government will ſtand forth as the aſſertors and protectors of the Engliſh law. That is the tenure, and the only tenure by which you and I, and every man who hears me, holds every thing that is dear to him. It is by that ſecurity alone we live, and under which we enjoy our liberty. It is not at the capricious will of a tumultuous rabble that we are to hold either our opinions or our property. It is not becauſe a lawleſs rabble has attacked the town of Birmingham, that hitherto peaceable ſeat of commerce, that men are to ſit quiet under the diſturbance of their houſes and families, nor are they to

ſuffer

ſuffer becauſe a riotous, inſulting, and irreſiſtible mob chuſes to take umbrage at this or that man, and to pull down his houſe, or to demoliſh his property, and to reduce him to beggary and to miſery.

Gentlemen, this is one of thoſe caſes which the county civil magiſtrates, with all the exertions they could uſe, aſſiſted by the neighbouring magiſtrates, could not ſtem or quell: it remained for the ſlow, but irreſiſtible law of the country, which I deſire to live under, and which I know every man that hears me admires and reveres. The law, though it has leaden heels, has iron hands, and will ſooner or later bring to puniſhment the perſons concerned in theſe riots. I do not ſtate to you the general confuſion and the general deſtruction of the town of Birmingham. I do not ſtate to you the interruption of that commerce, by which it has grown great and important in Europe. I do not ſtate to you the precarious tenure by which every man, from the 14th to the 16th of July laſt, held his property, at the will and caprice of the riotous and mad aſſembly there collected; but I ſtate this to you, that the priſoner at the bar ſtands here to acquit himſelf before you, the only conſtitutional tribunal of the country, and who are to decide whether he is or is not guilty of the offence with which he ſtands charged.

Gentlemen, the wiſdom of our anceſtors, early after the acceſſion of the illuſtrious houſe of Hanover, made a very wholeſome law, which enacts, that if a certain number of perſons beyond twelve, aſſemble together, and either demoliſh in the whole, or begin in part to demoliſh the dwelling-houſe, &c. of any of his Majeſty's liege ſubjects, the perſon ſo concerned is within the pains of felony. You and I, Gentlemen of the Jury, have nothing to do with the intention of the legiſlature. I find this law upon the Statute Book, and the learned Judge, than whom

whom no man is more ready or more able, from his great experience, to execute his commiſſion, will inform you that this is ſufficient.

Gentlemen, I ſhall, on this occaſion, ſtate the circumſtances of this caſe.

Upon the 18th of July, that man, (the priſoner,) amongſt others, whoſe face I never ſaw till now,—againſt whom I have no enmity,—againſt whom, perſonally, none of his Majeſty's ſubjects have enmity; but by the finding of the grand inqueſt of this county, he ſtands charged with an offence that brings him immediately within the proviſions of that wholeſome law. He ſtands charged with being one of the perſons, among a number of rioters who aſſembled on the 15th of July laſt, who carried their diabolical purpoſes into execution, by beginning to demoliſh the houſe of a Mr. Ryland. Who Mr. Ryland is I know not, nor do I wiſh to know; I am told he is a perſon living at Birmingham. When he had a houſe wherein to live, he was living there. Where he is now forced to ſhelter himſelf I know not. His houſe has been diſmantled by an aſſembly, of which the priſoner at the bar was the ringleader. He huzzaed and hallowed, "*Come along, my lads, come along,—follow me,—we* "*will deſtroy this houſe.*" Let not that unfortunate man think that I have any perſonal enmity againſt him,—let not the numerous ſurrounding audience underſtand that any perſon employed by government has any other motive but what is proper and honourable; and the moſt charitable intention of government at this time is, when occaſion calls for it, that they will ſtand forth as the public aſſertors of the law of the country. His Majeſty is the public proſecutor for the injured ſubjects of this country,—and by his parental care is equally the guardian of us all. In that character I ſtand forth to you,

you, pledged to prove from the inſtructions laid before me, that the priſoner was as active as any man there during the time this exceſs was committed. He was an active inſtrument in this infernal purpoſe. If he was aiding and abetting, whether he did any thing or no, in contemplation of law, and in the ſoundeſt conſtruction of law, he is within that act: but I ſhall prove to you, that he did actually deſtroy part of Mr. Ryland's houſe.

Gentlemen, I do not put it to your feelings, I demand nothing but that juſtice which the law of England expects from juries. When once a jury departs from that, without any private knowledge which they may have, and by liſtening to thoſe feelings which I hope and truſt I have about me as much as other men, the law is vague and perfectly uncertain. It is on evidence alone that I demand your juſtice. Whether your verdict be for the priſoner or for the public, is to me moſt perfectly indifferent. All that I expect is, that you will attend to your oaths and to the evidence. You will acquit your feelings and diſcharge your duty. It is the glory of this country that every man who ſtands charged with a criminal offence, may appeal to the judgment of his Peers, and to that jury I commit the caſe of the priſoner.

THOMAS COWPER *examined by Mr.* COKE.

Q. Was you at Birmingham on the 15th of July laſt?

A. Yes, Sir.

Q. Did you go at any time of the day to Mr. Ryland's houſe?

A. Yes, Sir.

Q. At what time?

A. The firſt time was about twelve o'clock. I was requeſted to go up to Mr. Ryland's to try to perſuade

perſuade the mob to diſperſe without doing any miſchief. The ſecond time I went there might be at three o'clock, when I ſaw the priſoner there, and heard him calling out—CHURCH AND KING.

Q. What then?

A. He then went into Mr. Ryland's houſe, and brought out liquor, and was calling out,—Church and King. Afterwards I ſaw him throwing bricks and ſome ſtones up to Mr. Ryland's windows, and run into the houſe ſeveral times, and came out again.

Q. You have told us he called out Church and King; tell us what he ſaid at different times when he came out of the houſe?

A. He ſaid,—*Come my lads, we will ſoon have it down.*

Q. Now, Sir, had this any effect upon the mob?

A. Yes; the mob were ſtill throwing up different things at that part of the houſe.

Q. Now, did other people go into the houſe?

A. Several people whom I did not know went into the houſe.

Q. What was the priſoner throwing?

A. Bricks and ſtones againſt the bow window.

Q. Were the windows out?

A. The ſaſh part of the windows was partly out. I did not take notice of the window frames, but the glaſs was out; and ſeveral people, whom I did not know, went into the houſe and walked backwards and forwards. There were above twelve at a time that went in in a riotous manner.

Q. Now, before the mob forced their way into the houſe, did you ſee the priſoner do any thing?

A. After he came out of the houſe, he threw bricks or ſtones up at the windows.

Croſs examined by Mr. CLARKE.

Q. How long have you known the priſoner?

A Four

A. Four or five years.

Q. What are you?

A. I am a hair-dreſſer.

Q. Had you any acquaintance with the mob?

A. I had not.

Q. How came you to go there?

A. Mr. Ryland deſired me to go. I uſed to dreſs him. He therefore knew me, and ſent me to appeaſe the mob.

Q. Did he think you had any influence with the mob?

A. No, Sir.

Q. I think you ſaid you ſaw the priſoner there?

A. I did.

Q. Did you preach to him?

A. No, Sir.

Re-examined by Mr. COKE.

Q. Are you a neighbour of Mr. Ryland's?

A. I am. I live about four or five hundred yards from him.

Q. Have you told us all you heard or ſaw?

A. I have.

THOMAS PARKER *examined by Mr.* BALGY.

Q. Thomas Parker, did you happen to be at Mr. Ryland's houſe on the 15th of July laſt.

A. I was there about one o'clock. I ſuppoſe there were an hundred people preſent. Some were riotous, and others peaceable ſpectators.

Q. How long was you there?

A. I did not ſtay there above a quarter of an hour from firſt to laſt.

Q. Now during that time did you ſee any miſchief done to the houſe?

A. Yes, Sir; I ſaw the priſoner at the bar with a long oak rail about two yards long, knocking down the brick work of the bow window, three

or

or four times. He threw the rail againſt the window, and then a ſecond picked up and began to drive at it again, and a third, &c.

Q. What became of the rail when the other men had done with it?

A. I cannot ſay, for I went off.

Q. Did you ſee the priſoner give it more than one blow?

A. He gave it four or five blows.

Q. Now had this any effect upon this wall that they were beating?

A. Some bricks were knocked down, and then the mob ſhouted out, and huzza'd.

Q. Did you know the priſoner before?

A. I did; I have known him five or ſix years; I know him perfectly well.

Q. You are ſure that the priſoner was one of the perſons who took his ſtick and beat the brick wall?

A. I am perfectly ſure he was one of them, he was in a black ſilk waiſtcoat.

Croſs-examined by Mr. WILLES.

Q. How many perſons were there then about the houſe?

A. I ſuppoſe there was an hundred.

Q. What are you?

A. A maſter gardener, and live at Holloway Head.

Q. I believe the priſoner is likewiſe a gardener?

A. Yes; he jobs about.

Q. In point of fact, he is a gardener?

A. He is; and has a wife and family.

Q. Are you a jobbing gardener too?

A. No, I work by myſelf, I keep a garden of my own. But the priſoner goes about jobbing for gentlemen, or any body that will employ him.

Q. You

Q. You ſay there were ſeveral people about this houſe?

A. Yes, Sir.

Q. When you firſt ſaw the houſe, the glaſs was all out, and the houſe was all on fire?

A. The fire was up ſtairs as appeared by the light of it.

Q. Was there any fire in the room where the bow window was?

A. I cannot ſay.

Q. Will you ſwear there was no fire in the room?

A. I really cannot ſwear it, I was not ſo near as to ſee it, but ſome ſmoke came out of it.

Q. If you ſaw ſmoke come out of that room, muſt there not have been fire in it?

A. I have ſeen ſmoke without fire.

Q. You ſay he was knocking at the brick work. Now I take it, my friend, if there was fire in this room, that throwing bricks into the room would put the fire out?

A. Certainly, if many were thrown into it.

EVIDENCE FOR THE PRISONER.

ELIZABETH GRICE *examined by Mr.* WILLES.

Q. Mrs. Grice, are you a married woman?

A. I am; and live in Hill-ſtreet, Birmingham.

Q. Do you know the priſoner at the bar?

A. I do; and recollect ſeeing him at Mr. Ryland's houſe on the 15th of July.

Q. Well, madam, what did you hear him ſay, or ſee him do?

A. D—n it ſaid he, let theſe pigs out, they ſhall not be burned. They were confined in a houſe which was ſoon afterwards burned down. The mob was going to ſet fire to a hay loft, and he threw out ſome truſſes of hay to prevent

prevent its being burned. Upon this, the mob threw ſome fire at him, becauſe he wiſhed to preſerve the hay. I have known the priſoner three or four years, he has a wife and three children, and bears a very good character for any thing I know.

Mr. Baron Perryn firſt ſtated the evidence for the proſecution, and next obſerved, that one witneſs had been called to ſhew that the priſoner did not come there to do any injury, but to preſerve the property. But his Lordſhip obſerved, that theſe pigs were not in the room where the bow window was, and which he endeavoured to demoliſh.

His Lordſhip thought that the whole conduct of the priſoner,--his ſaying, come my lads we will ſoon have it down, and his taking a ſtick and actually demoliſhing part of the houſe with his own hand, did not furniſh a very ſtrong proof that he came there for the purpoſe of ſuppreſſing the riot. The Jury, however, were the ſole judges on this buſineſs. If they were of opinion on this evidence, that this man was inſtrumental in the demolition of Mr. Ryland's houſe, and that he was really one of the mob, calling out *Church and King*, they would convict him; but if they were of a different opinion, they would find him not guilty.———*Not Guilty.*

WILLIAM HANDS, otherwiſe HAMMONDS, late of the pariſh of Birmingham, in the county of Warwick, was indicted, for that he, together with divers other perſons, to the number of fifty and more, whoſe names are unknown, on the 15th of July laſt, unlawfully, riotouſly, and tumultuouſly did aſſemble together, and being ſo aſſembled, he, the ſaid William Hands, together with, &c. feloniouſly,

and with force did begin to pull down and demoliſh the dwelling-houſe of John Ryland, ſituated at Eaſy-Hill, in the pariſh and county aforeſaid, contrary to the ſtatute, &c.

To this indictment the priſoner pleaded—*Not Guilty.*

Mr. Newnham's addreſs to the Jury.

Gentlemen of the Jury,

I riſe up, gentlemen, under the moſt ſerious impreſſion, and with a great deal of feeling, but to ſtifle that feeling as far as it is conſiſtent with my duty, and with the utmoſt deference to you, to ſtate to you, under the hazard of the correction of the Court, that your only guide upon this occaſion, is the ſolemn oath you have taken, and the evidence you will hear at the bar.

Gentlemen, this is not a common caſe. It is a caſe that all the activity, the commendable activity of the magiſtrates of the county exerted to the utmoſt of their power, could not in any degree prevent, much leſs effectually ſtop. You have heard the charge againſt the priſoner, that he, in company with a riotous aſſembly of perſons, in the language of the indictment, to the number of fifty or more, came to the houſe of *Mr. Ryland,* in the town of Birmingham;—that they and the priſoner at the bar, who was one that was active among them, without liſtening to any intreaties, began to pull down his houſe. Gentlemen, whatever feelings you may have about you, they had no feelings of humanity about them. They had no feelings of charity about them, but carried into execution the purpoſe of deſtruction for which they were aſſembled, in defiance of the law, in oppoſition to all the commendable endeavours of the neighbouring magiſtrates, and in abſolute defiance of the general peace

peace of his Majeſty, and of the realm. If you think this oppoſition to the law, which is our protector; if you think this oppoſition to evidence can be ſhewn with impunity, and that you are under no obligation to call God to witneſs the truth of your verdict—I do not call upon you to protect your own property, becauſe of that I will ſay nothing; but I call on you as a ſet of Jurymen, to decide according to evidence. If you think this caſe, when proved, does not call upon you for judgment, I wiſh you to ſleep quietly in your beds.

JAMES TRUEMAN *examined by Mr.* COKE.

Q. Mr. Trueman, were you at Birmingham on the 15th of July laſt?

A. Yes, Sir.

Q. Did you go any part of that day to Mr. Ryland's houſe?

A. I did.

Q. At what time was it?

A. Between three and four o'clock in the afternoon.

Q. When you went there what did you ſee?

A. I ſaw a great mob round the houſe.

Q. Among theſe did you ſee any body you knew?

A. Yes, I ſaw the priſoner there.

Q. What was he doing?

A. He was knocking the window-caſes out with a piece of wood.

Q. Are you ſure he was the man?

A. I have no doubt about it.

Q. How many people were aſſembled round the houſe?

A. A great many. There was an hundred or two.

Q. Were they all rioters, or were there ſome byſtanders?

A. There were ſome of both ſorts. There were many who did not do any thing, and a great many who did.

Q. You are ſure the priſoner was there acting in the manner you have deſcribed?

A. I am.

Croſs-examined by Mr. CLARKE.

Q. This was between three and four in the afternoon?

A. It was.

Q. What led you there?

A. I went there to ſee it.

Q. In what part of the houſe did the fire begin?

A. I believe it began in the top part of the building.

Q. Where do you live?

A. In Coventry Street.

Q. How far is that from Mr. Ryland's?

A. About half a mile.

Q. How came you to go to ſee the fire?

A. As I was in my ſhop the news came that it was on fire, and I went to ſee it.

Q. You ſaid this man knocked at the window-frames with a piece of wood, pray what ſort of wood was it?

A. It was as thick as my wriſt.

Q. How long have you known the priſoner?

A. Five or ſix years.

Q. When did you firſt ſpeak of this?

A. On the 15th of July.

Q. To whom did you mention it?

A. To my maſter, about ſix o'clock.

Q. What has been your knowledge of the priſoner?

A. We worked together for the ſame maſter for three or four years.

Q. Did

Q. Did you tell your maſter of this immediately?

A. The moment I ſaw him I told him, without his aſking any thing at all about it.

Q. Had you ever any quarrel with the priſoner?

A. Never.

Q. There muſt be ſome reaſon why you are ſo deſirous of hanging a man you have worked with three or four years?

A. I am not deſirous of hanging him,—I am only come here to ſpeak the truth.

Q. Had you never any words with him?

A. I have had ſome words with him, but it is a long time ſince.

Re-examined by Mr. COKE.

Q. You ſay you had ſome words with the priſoner?

A. When we were ſhop-mates, we have often had ſnarling words, but bore no malice.

Q. What you have ſaid then is the truth?

A. It is.

Q. How long had the priſoner been at ſea?

A. He had been a ſailor about twelve months.

Q. Did you ſee this houſe burned down?

A. It was not burned down entirely when I came away.

JOB HERVEY *examined by Mr.* BALGY.

Q. Job Hervey, was you at Mr. Ryland's houſe on the 15th of July laſt?

A. Yes, Sir.

Q. What time was it when you went there?

A. Between three and four o'clock in the afternoon.

Q. Prav will you look on the priſoner William Hands, did you ſee him there?

A. Yes, Sir.

Q. Was

Q. Was there any mob aſſembled?

A. A very great mob.

Q. What was he doing?

A. He was knocking the things to pieces.

Q. Was he doing any thing on the outſide of the houſe.

A. He was knocking the window caſes to bits.

Q. What had he in his hand?

A. A large ſquare piece of wood.

Q. Will you tell us how he was uſing the wood?

A. He held it with both his hands, and knocked at the window frames.

Q. Now at this time, was any part of the houſe on fire?

A. Yes, Sir.

Q. Which part was that?

A. The top part.

Q. Where was you?

A. At the bottom part of the houſe.

Q. Will you tell me whether you ſaw the priſoner in the inſide of the houſe?

A. Yes, Sir, I did.

Q. In what room?

A. In the ſame room he was knocking the window caſes.

A. He was plucking the boards from the floor, and throwing them into the fire.

Q. Where was the fire?

A. In the next room to it.

Q. What room was that where the fire was kindled,—was it a room on the ground floor, or was it a chamber.

A. It was a board floor above the cellars.

Q. Now you have given us an account of the activity of the priſoner in the houſe, will you tell us whether you knew the priſoner before this time?

A. Yes,

A. Yes, Sir, I knew him and was a fellow-ſervant with him at Mr. Dickener's.

Q. How long did you work with him?

A. Two or three months.

Q. Are you ſure that man was the man you ſaw breaking out the window frames?

A. I ſwear that I ſaw him doing it.

Croſs-examined by Mr. WILLES.

Q. What may you be, Sir?

No anſwer.

Q. Do you know what you are?

A. I am a man.

Counſel.—I did not take you for an aſs.

Q. What are you, Sir?

A. I do ſeveral things; and among others I work at anvils.

Q. So you are Jack of all trades?

A. Yes.

Q. Now what might you be doing at Mr. Ryland's houſe?

A. I was doing nothing.

Q. Merely amuſing yourſelf, I ſuppoſe you thought it fine fun.

On the part of the proſecution it was obſerved that Mr. Willes was going into an original examination.

Judge.—In ſuch trials as theſe I am not inclined to ſtop any queſtion from coming out. It is of great importance that the whole truth ſhould be known.

Mr. Willes.—What was you doing at this houſe?

A. I was looking about to ſee what had been done, and what was doing; I went there with Mr Trueman, the laſt witneſs.

Q. Did you mention this to any body about the priſoner?

A. I

A. I mentioned it to Mr. Dickſon, one night when I ſat up at his houſe; I think it was the 16th of July.

Q. How came you to mention it to him, Sir?

A. We were laughing and joking; and I mentioned how I ſaw him knocking the things together.

Q. When did you firſt mention it?

A. On a Saturday.

Q. Was Trueman there at that time?

A. He was.

Q. Did you or Freeman mention it firſt?

A. I cannot tell.

Q. Did Dickſon know it before?

A That I do not know; but I did not tell him before.

Q. What kind of wood was it the priſoner had in his hand?

A. It was a ſquare piece of wood, and might be about four feet long.

Q. How long is it ſince you worked with the priſoner?

A. I worked with him at the time before he went with the rioters.

The learned Judge, in his charge to the Jury, obſerved, that it was totally indifferent to him, if they could be ſatisfied with their own conſciences to acquit every priſoner. It was totally indifferent to him whether or no they adopted any of the obſervations that he ſhould make to them. He ſaid he knew nothing of the priſoners, but it was his duty to ſtate the evidence as it was; that was his province. It was the province of the Jury to decide on the evidence, and ſay what degree of credit they would give to it.—*Guilty.*

James

James Watkins, late of the parish of Birmingham, in the county of Warwick, labourer, was indicted, for that he, together with divers other persons to the number of fifty and more, and whose names were unknown, did feloniously and with force begin to pull down and demolish the dwelling house of John Ryland, situated at *Easy Hill*, &c. on the 15th of July last.

Nathaniel Addock only appeared for the prosecution, who said that he saw the prisoner at the bar, together with a great number of others, on the 15th of July last, at Mr. Ryland's house, with an axe in his hand, and with which he was knocking down the door of the back kitchen.—He also called out, *King and Church for ever.*

Not Guilty.

When the prisoner retired from the bar, he said quaintly, "*Your servant, Gentlemen.*"

Daniel Rose, aged 16, was charged with beginning, on the 15th July last, to pull down and demolish the dwelling-house of John Taylor, Esq. situated in the parish of Aston, in the county of Warwick.

Mr. NEWNHAM's Address to the Jury.

Gentlemen of the Jury,

I look at the prisoner at the bar, and see that he stands charged, with a multitude of rioters, with pulling down and beginning to pull down and demolish the house of Mr. Taylor. Though he stands, among others, charged with riots of the most dangerous nature, and destructive of that elegant mansion belonging to a person whose family has almost been the father of Birmingham; yet, when I look at the prisoner at the bar,

and conſider his youth, that he is not above ſixteen, I compaſſionate that youth, and will not call evidence againſt him, in order to ſhew that Government, on every proper occaſion, is as much diſpoſed to ſhew lenity, as any one of you of the Jury.—*Not Guilty.*

Mr. *Clarke*, leading Counſel for the priſoner, obſerved, that he thought it was but doing juſtice to Mr. Newnham to ſay, that he had conducted the proſecutions with the utmoſt candour, and with the greateſt honour to Government and himſelf.

Mr. *Newnham* ſaid, examples muſt be made, though Government had not the leaſt inclination to ſeek after blood.

SENTENCE OF DEATH.

The buſineſs being finiſhed about ten o'clock at night, the rioters who had been convicted were put to the bar, and received ſentence of death, viz. *Francis Field*, alias *Rodney*, for feloniouſly ſetting fire to a dwelling houſe, contrary to the ſtatute; *John Green* and *Bartholomew Fiſher*, for feloniouſly beginning to demoliſh a dwelling-houſe againſt the ſtatute; and *William Hands*, otherwiſe *Hammonds*, for the ſame offence.

The Learned Judge ſaid, that the offence of which the priſoners had been found guilty was of a very unuſual and extraordinary nature. It occaſioned an alarm in the whole country. It did not extend to Birmingham and the neighbourhood only, but to the whole kingdom. It is, ſaid he, an offence of ſuch a nature, that none of you can expect the leaſt mercy, nor any alteration in the ſentence which the law inflicts. It is mercy to the public to execute the law in making

making an example of perſons who have been guilty of ſuch crimes, in order to preſerve the property of the induſtrious and innocent, and to prevent them from depredations by ſuch perſons as you are.—Such practices will certainly bring you to an untimely and ignominious end. All the ſervice I can poſſibly do you, is to recommend it to you to employ the ſhort time that will be permitted to you to live in this world, in order to ſecure an happy eternity. The certainty of death, and that very ſpeedily, requires a ſpeedy repentance.

His Lordſhip then paſſed the awful ſentence of the law.

On leaving the town, his Lordſhip ordered theſe four rioters, together with *Edward Brown*, for highway robbery, and *William Millington*, for horſe-ſtealing, who had been formerly ſentenced, to be executed on the 8th of September next, at the uſual place of execution, which is two or three hundred yards north of the town of Warwick.

FINIS.

BRITANNICUM